Boise NF

Boise National Forest
1249 South Vinnell Way, Suite 200
Boise, ID 32709

Record of Decision for the:

Final Environmental Impact Statement and

Forest Plan Amendments to Facilitate Implementation of the 2010 Plan Scale Wildlife Conservation Strategy:

Phase 1 – Forested Biological Community

Boise National Forest

Located In:
Ada, Boise, Elmore, Gem, and Valley Counties, Idaho

Responsible Agency:
USDA - Forest Service, Boise National Forest

Responsible Official:
Cecilia R. Seesholtz, Boise National Forest Supervisor

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Part 1 Introduction

In 2003, the Forest revised its 1990 *Boise National Forest Land and Resource Management Plan* (USDA Forest Service 1990). The supporting 2003 Final Environmental Impact Statement (2003 FEIS) for the revised Forest Plan also included information for revising the Payette and Sawtooth National Forests' Plans (USDA Forest Service 2003b)[1]. The 2003 Forest Plan included management direction for wildlife based on available information. During Forest Plan revision, wildlife habitat that had declined from historic conditions was identified, and management direction developed based on identified habitat conservation and restoration needs. However, a Wildlife Conservation Strategy, similar to that completed in 2003 for aquatic resources that included a spatial prioritization for maintaining and/or restoring one habitat area over another, was not finalized in the 2003 Forest Plan. Instead, this strategy was to be completed during Forest Plan implementation. Specifically, Forest Plan objective WIOB03 calls for developing a strategy to prioritize wildlife habitat maintenance and restoration, using information from sources such as species habitat models (USDA Forest Service 2003a, p. III-26).

Assessing habitats occupied by terrestrial wildlife species in the planning unit is complex. More than 300 vertebrate wildlife species and their habitats must be considered in management decisions. To reduce this complexity, the Wildlife Conservation Strategy and associated Forest Plan amendments are expected to be completed through a four-phase approach, over the next 4–5 years, based on the major biological communities below. This Record of Decision (ROD) and supporting EIS addresses Phase 1.

- Phase 1: Forested Biological Community
- Phase 2: Rangeland Biological Community
- Phase 3: Unique Combinations of Forested and Rangeland Communities
- Phase 4: Riparian and Wetland Communities

In December 2009, the U.S. Forest Service (Forest Service) released a DEIS, which proposed to modify, delete, and add to current Forest Plan direction in response to new information and changed conditions concerning wildlife habitat and to integrate components of a wildlife conservation strategy. This direction was proposed to be incorporated into the Boise National Forest Land and Resource Management Plan (Forest Plan) (USDA Forest Service 2003a) through a Forest Plan amendment.

Part 2 Forest Setting

Forest Setting

The area administered by the Boise National Forest (Forest) includes approximately 2,201,300 acres[2] of NFS lands in west-central Idaho, north and east of the capital city of Boise (Figure 1).

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[1] All citations are included in the July 2010 FEIS for the "Forest Plan Amendments Proposed to Facilitate Implementation of the Plan-Scale Wildlife Conservation Strategy; Phase 1: Forested Biological Community."

[2] This total does not include 64,000 acres within the Frank Church-River of No Return Wilderness Area shown on Figure 2 as administered by the Boise and Salmon-Challis National Forests.

Approximately 1,685,000 acres of this total NFS acres fall within the forested biological community. The Forest Plan includes plans for managing NFS lands within the Forest's administrative boundary (Figure 2). Parts of the Forest are located in Ada, Boise, Elmore, Gem, and Valley Counties.

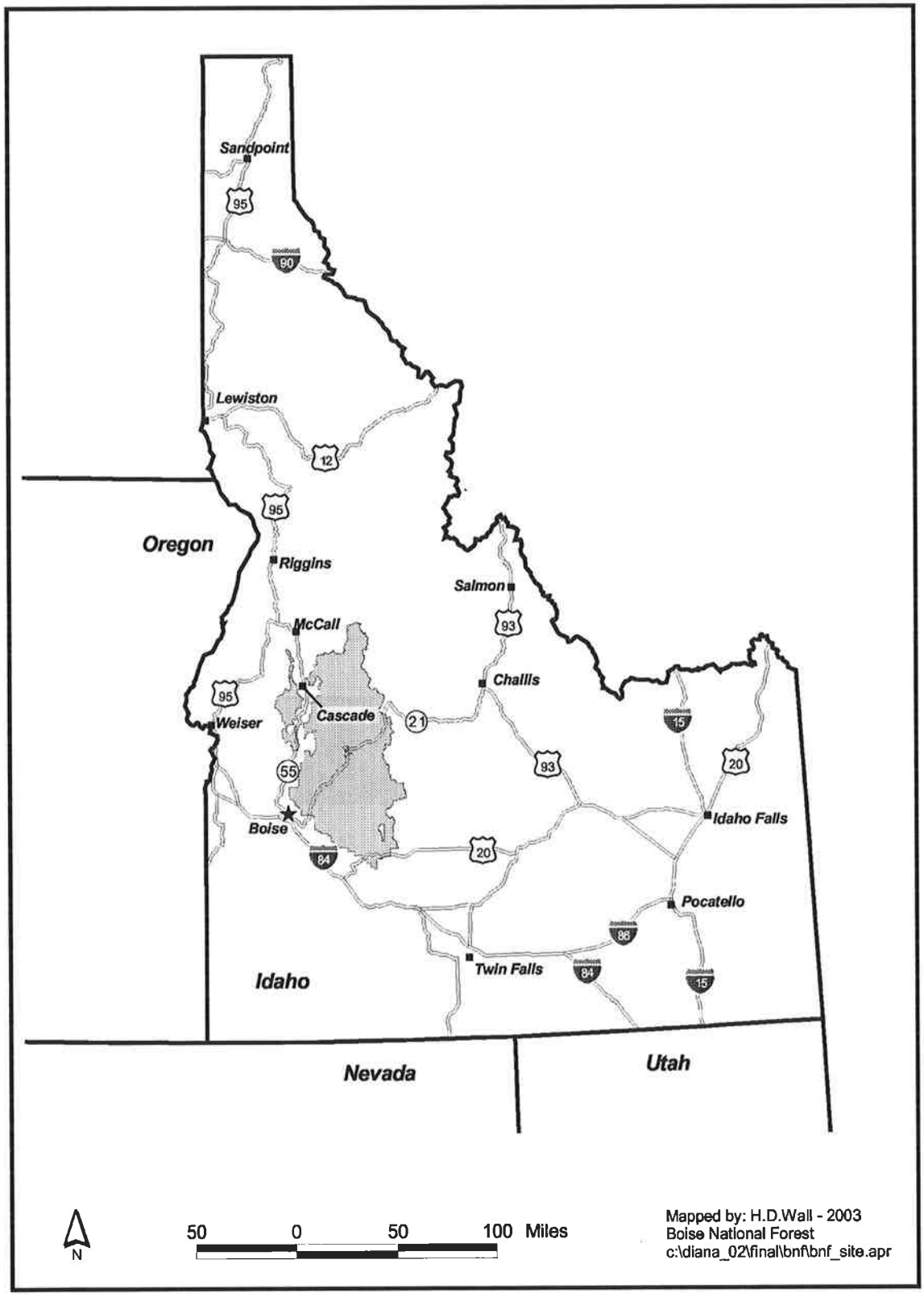

Figure 1. Location Map—Boise National Forest

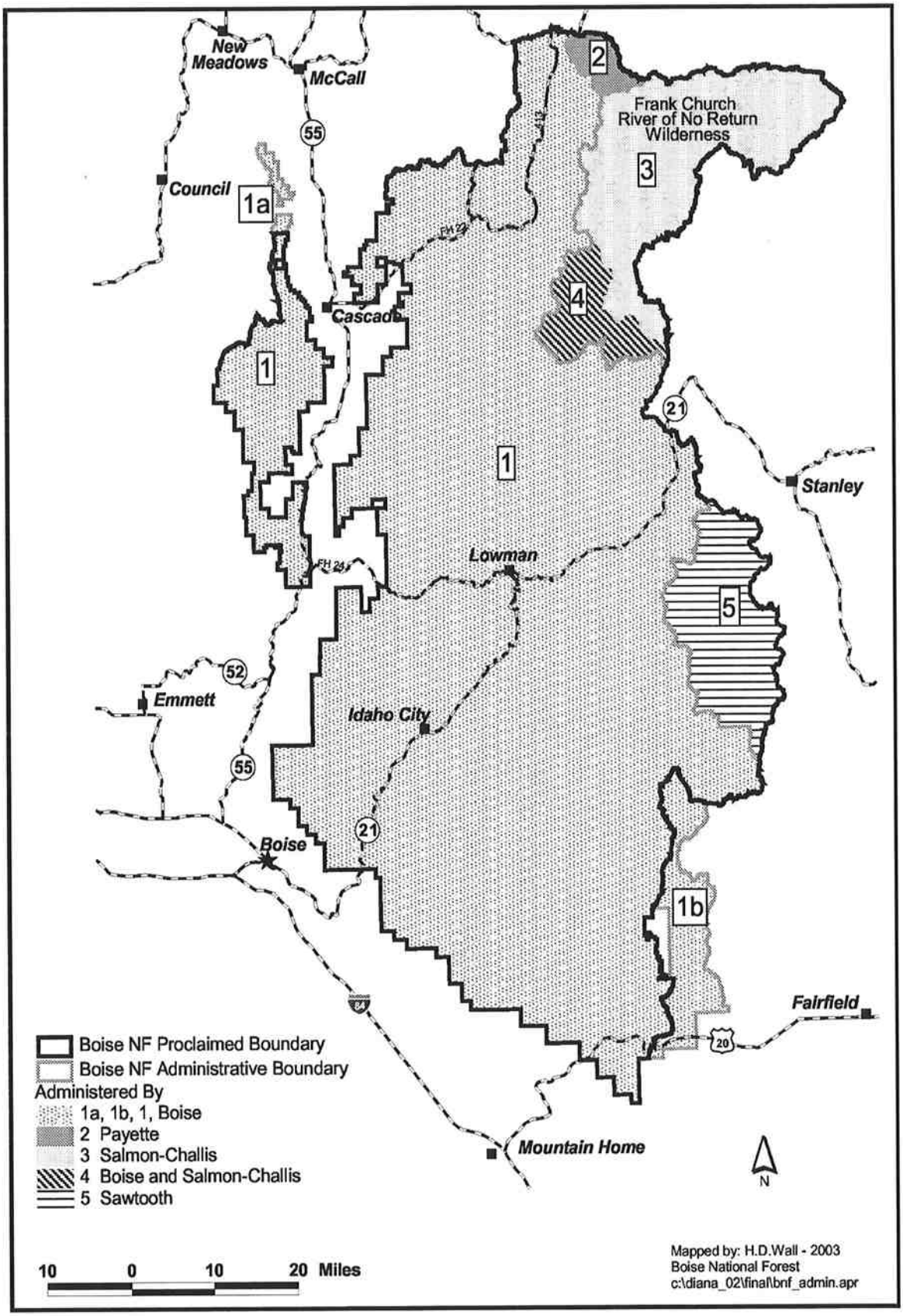

Figure 2. Boise National Forest Proclaimed and Administrative Boundaries

The Forest borders the Sawtooth and Salmon-Challis National Forests on the east and the Payette National Forest on the north.

Elevations vary greatly across the Forest, from 2,800 feet in the North Fork Payette River canyon to nearly 10,000 feet atop Steel Mountain. Watersheds on the Forest provide a continuous supply of water to the Snake and Salmon River Basins. The wide range of landforms, elevation, and climate across the Forest has produced a wide variety of vegetative conditions. The Forest provides habitat for close to 300 terrestrial species of mammals, birds, reptiles, and amphibians, as well as 28 species of fish.

The socio-economic area of influence for the Boise NF includes several communities within and near the Forest that typically fall within counties identified above. People use the surrounding forest and non-forest settings for social and cultural purposes as well as a variety of goods and services. People view scenery and recreate, which affects tourism. They utilize vegetation for cultural, social and economic reasons. Vegetation management, including forest thinning and livestock grazing, contribute to the economic diversity of the area through milling and ranching operations, and these activities also reduce hazardous fuels in some areas. People value aquatic ecosystems because they provide for clean drinking water, fishing and wildlife opportunities, and support social and economic sustainability.

Part 3 Decision and Rationale

Decision Authority

I have been delegated the authority to make this decision by the Secretary of Agriculture and Chief of the Forest Service (36 CFR 219.10 (f)).

My Decision and Rationale for this Decision

My decision amends the 2003 Forest Plan. Because the 2003 Forest Plan revision process began in the mid 1990s, the 2003 Forest Plan was developed under the 1982 NFMA implementing regulations, which governed forest planning at that time (36 CFR Part 219 (1982)). Under the transition provision of the 2000 NFMA regulations (36 CFR 219.35 (2000)), this amendment was also developed using the procedures available under the 1982 rule. Under these regulations, six types of decisions are made in forest plans:

- Establishment of Forest-wide multiple-use goals and objectives, including a description of the desired future condition of the Forest (36 CFR 219.11[b])
- Establishment of Forest-wide standards and guidelines to fulfill the requirements of 16 USC 1604 (NFMA) applying to future activities (36 CFR 219.13 to 219.27)
- Establishment of management areas and direction applying to future activities in those management areas (36 CFR 219.11[C])
- Designation of lands not suitable for timber production (16 USC 1604(k) and 36 CFR 219.14) and the allowable sale quantity (ASQ) determination for timber that may be sold from the suited timber base during each decade (36 CFR 219.16(a))

- Establishment of monitoring and evaluation requirements that will provide a basis for a periodic determination of the effects of management practices (36 CFR 219.11(d))
- Recommendation to Congress of areas for Wilderness classification where 36 CFR 219.17(a) applies

My decision to amend the 2003 Forest Plan modifies the first five of the six types of decisions that were made in the 2003 Forest Plan. Recommendations to Congress of areas for Wilderness classification where 36 CFR 219.17(a) applies are unaffected by this decision.

I have selected Alternative B with the corresponding updates to Forest Plan direction and appendices described in Appendices 2 and 3 of the FEIS. Alternative B has been updated from the description presented in the DEIS based on comments received. First, I have decided to add an additional guideline under the Wildlife Resources section of Appendix 2. Addition of this new guideline, WIGU18, means that both the hazardous fuel reduction and wildlife habitat conservation and restoration objectives within the wildland urban interface (WUI) should be met when they are not in conflict. However, while I am committed to this guideline, I want to emphasize that standards WIST08, WIST09, VEST03 and management prescription category (MPC) standards concerning snag retention may be waived for management activities within the WUI where the authorized officer determines that adherence to these standards would impair the achievement of hazardous fuel reduction objectives. The authorized officer for a project has the discretion to make this determination.

I have also decided to modify existing Forest Plan objectives TEOB03 (Threatened and Endangered Species) and FROB12 (Forest Roads and Facilities), and to add a new objective in wildlife, WIOB16. This direction has been added in Appendix 2 of the FEIS. These modifications and the new wildlife objective demonstrate that road-related effects to wildlife need to be addressed in a manner similar to other biophysical resources. In addition, Forest Plan guideline REGU07 will be modified to include sensitive wildlife species and their habitats in the current list of biophysical resources to be evaluated to determine if recreational facilities or practices should be modified to reduce degradation to these resources.

I believe Alternative B as described above provides the best mix of benefits to address the needs for change identified in Chapter 1 of the FEIS, while addressing issues raised by the public. Because views on many issues vary, I realize that none of the alternatives will fully satisfy everyone. However, I believe Alternative B provides the best opportunity to maintain and restore ecological conditions, while providing for a broad spectrum of multiple uses, including recreational opportunities and a sustainable level of commodity production.

In Chapter 1 of the FEIS, six specific questions about the need for change are listed. How my decision addresses each of these six questions, and the related rationale as to why these changes are needed, is provided below.

1. Should Forest Plan management direction pertaining to wildlife habitat conservation, restoration, and maintenance be changed to ensure adequate and well-distributed habitats are provided for a diversity of plant and animal communities, and if so, how should management direction be changed?

Section 1.1.3 of the FEIS explains that my decision to amend the current Forest Plan complements the Idaho Comprehensive Wildlife Conservation Strategy (Idaho CWCS) (IDFG 2005). The amended

Forest Plan strategy is designed to build upon the broad-scale conservation needs and science identified in the Idaho CWCS, as well as the Interior Columbia Basin Ecosystem Management Project (USDA Forest Service et al. 2003a, b). I believe this information is essential to understanding how the Boise National Forest strategy fits within the context of broad-scale strategies for wildlife conservation. Because I believe this coordination is essential to future conservation success, I have added a new Forest Plan objective, WIOB15, as described in Appendix 2 of the FEIS. This objective reflects my continued commitment to work with the Idaho Department of Fish and Game to help ensure this Forest Plan strategy for wildlife conservation complements the 2005 Idaho Comprehensive Wildlife Conservation Strategy, including future updates.

Through this Forest Plan amendment, I have adopted the following underlying assumptions:

- The risk of losing species, ecosystem processes, or genetic diversity within populations increases as habitat departure from the Historic Range of Variability (HRV) increases (Hunter et al. 1988; Swanson et al. 1994; Landres et al. 1999; McComb and Duncan 2007).
- Strategies that use HRV remain useful in light of evidence of climatic change because historical forests were likely more resilient and resistant to drought, insect pathogens, and severe wildfire (Fule et al. 2009).
- Using the concept of HRV does not mean taking landscapes back to a "pre-Columbian" condition or that human uses should be precluded from the landscape.
- Using HRV to guide management implies managing for a range of conditions, not a single condition (FEIS Appendix 2, updates to Forest Plan Appendix A).
- Managing within the range of HRV allows greater latitude to provide for a greater variety of multiple uses and will require greater flexibility in treatment options to successfully implement than many traditional management strategies.
- To provide for the variety of multiple uses from the Boise National Forest, it is most appropriate to manage for a subset of HRV rather than the full range of HRV (FEIS Appendix 2, updates to Forest Plan Appendix A).

Use of the concept of HRV to guide NFMA planning first came from the Committee of Scientists (COS 1999) and continues to be fostered as a tool to develop management strategies. However, I am also aware of the debate among scientists regarding use of HRV to guide development of land management planning strategies. As stated in section 3.2.3.2 of the FEIS, the HRV modeling effort for the Southern Idaho Batholith addressed limitations identified in the Keane et al. 2009 review of the use of HRV in land management planning. The limitations included limited historical information, scale effects, complexity, and conceptual concerns.

I also recognize that it may appear that using historical references may no longer be reasonable in light of changing conditions, such as those that may result from climate change. However, as discussed in section 3.2.3.2 of the FEIS, a critical evaluation by scientists of possible alternatives described in Keane et al. (2009) indicates that HRV, with its limitations, is still a reasonable approach for this planning period because it entails less uncertainty when compared to other approaches. I also agree with Fule et al. (2009) who argue that historical reference conditions remain useful in light of evidence of climate change because historical forests were likely more resilient and resistant to drought, insect pathogens, and uncharacteristic wildfire. While there is debate as to whether climate change is the greatest threat to today's forests, we do know it is an additional stressor. It is our view that restoration of vegetation toward or within the historical range will result in more adaptable forests (Noss 2001).

Based on current science and input from local experts, I believe that adopting a strategy that will result in a more resilient, resistant and adaptable forested biological community provides reasonable assurance native vegetative and wildlife diversity can be sustained.

In addition to adopting a management strategy founded on the concepts of HRV, I have also determined that the 2003 Forest Plan management direction for wildlife habitat conservation, restoration and maintenance must be changed to ensure adequate and well-distributed habitats provide for a diversity of animal communities. My decision to make these changes is based on the updated baseline conditions, recent science and a restoration prioritization strategy. This strategy focuses on habitats and terrestrial wildlife species of greatest conservation concern, including ESA listed species and Region 4 sensitive species. Management direction that was modified or deleted to improve clarity, to eliminate duplication or to correct errors is identified in Appendix 2 of the FEIS and will not be specifically discussed below. What is discussed below are specific additions or updates to management direction that I have decided to make which will change the Forest's approach to conserving and restoring vegetation and wildlife habitat.

a. *Wildlife standard WIST01 has been deleted and replaced by a more comprehensive and diverse set of management direction that relies on accepted conservation concepts and principles for wildlife conservation.*

The 2003 Forest Plan described wildlife standard WIST01 as a "threshold that represents the minimum percent of a landscape area retained in the large tree size class ... for assuring the viability of terrestrial wildlife species" (USDA Forest Service 2003a, p. A-3). This standard is no longer considered an appropriate "threshold" for wildlife habitat conservation based on local agency expert reviews of best available science including Fahrig (2001), Fahrig (2003), and Schulte et al. (2006). The standard's "minimum" threshold of 20 percent of the acres of each vegetation group in large tree structure is also not consistent with a strategy based on HRV which establishes a desired condition for a much greater percent of acres in large tree structure for many vegetation groups. My decision replaces this threshold concept with a diverse strategy for wildlife conservation that relies on the concepts of HRV and other scientifically accepted conservation concepts (FEIS, Appendix 1) and principles. The additional conservation principles discussed in detail in amended Appendix E of the Forest Plan (FEIS, Appendix 2) are widely accepted by the scientific community and among the best supported precepts of conservation biology (Noss 2007). These principles are:

- Species well distributed across their range are less susceptible to extinction than species confined to small portions of their range.
- Habitat in contiguous blocks is better than fragmented habitat.
- Large blocks of habitat containing large populations of species are superior to small blocks of habitat containing small populations.
- Blocks of habitat close together are better than blocks far apart.
- Interconnected blocks of fragmented habitat are better than isolated blocks, and dispersing individuals travel more readily through habitat resembling that preferred by the species in question.
- Blocks of habitat that are in areas where the direct and indirect effects of human disturbance are low are more likely to provide all elements of species source environments than areas where it is not.

I believe applying these principles within the context of a management strategy based on the concepts of HRV will help ensure habitat conditions are sustained for a diversity of species, even species about which we know little (Hunter et al. 1988; Swanson et al. 1994; Landres et al. 1999). The scientific community generally accepts that if the amount and structural diversity of habitat is within the historical range, associated wildlife species will have a greater likelihood of persistence, and risks to the species are lower compared to a situation where habitat is outside the historical range (Raphael et al. 2001; Spies et al. 2006).

To ensure these principles are addressed in future projects, my decision includes a new Forest-wide guideline, WIGU15. This guideline requires these principles to be used to identify treatment priorities within watersheds, to design treatments for wildlife habitat restoration, and to understand the effects of proposed Forest Plan activities on wildlife habitat.

> *b. Approximately 400,000 acres in the planning unit that are within Management Prescription Category (MPC) 5.2 (Commodity Production Emphasis) will be reallocated to MPC 5.1 (Restoration and Maintenance of Forested Landscapes).*

My decision reallocates all 400,000 acres of MPC 5.2 (Commodity Production Emphasis within Forested Landscapes) to the MPC 5.1 (Restoration and Maintenance of Forested Landscapes). I believe this change is necessary to provide the greatest assurance that short- and long-term management moves forestland conditions toward those that will minimize risk to forest health and terrestrial wildlife species that rely upon these areas for their sustainability (FEIS, section 3.3). This decision provides greater assurance that our objectives to reduce hazardous or uncharacteristic fuel levels will be realized, especially in the low to mid-elevation ponderosa pine forests (FEIS, section 3.4). Reduction of hazardous or uncharacteristic fuel levels is important to meet public health and safety objectives in the wildland urban interface. It is also needed to reduce the risk of losing wildlife habitat features such as old forest habitat, large tree structure and legacy trees in the low- to mid-elevation ponderosa pine forests (FEIS, sections 3.2.5.9 and 3.3.4.1.4).

Section 3.2.5.6 of the FEIS explains that MPC 5.2 desired conditions fall substantially outside of HRV. For example, compared to HRV, to meet the MPC 5.2 emphasis to maximize growth and yield of wood products, about half the amount of acres within the large tree structure class would be retained overtime; tree densities on any one acre could be twice as great; and, forested stands would be more uniform and regulated. Treatments designed to achieve the MPC 5.2 desired condition were expected to yield more wood products over time than other Forest Plan MPCs. The underlying goal of this allocation unit was, insofar as possible, to maximize wood product production within the capability of the site while minimizing loss of trees to natural disturbance. However, while wood product production and yields are more likely to be maximized under a MPC 5.2 strategy compared to other MPCs, management under this allocation carries with it what I believe are unacceptable trade-offs to the ecological health of forests, wildlife resources, and fire management (FEIS sections 3.2, 3.3 and 3.4, respectively).

In addition, Plan direction for MPC 5.2 limits the use of prescribed fire and prohibits the use of wildland fire to minimize loss of trees and associated product yields. Fire is a disturbance process that contributes to ecosystem structure, process, and function. In other MPCs, including MPC 5.1, fire is used as a tool to manage natural resources while contributing to ecological processes, where it can be done safely. It is most often used to modify fuels to reduce the risk of undesirable wildland fire effects or to help achieve desired vegetative conditions. By reallocating MPC 5.2 acres to MPC 5.1, fire can

be used across all national forest system acres within the Forest's administrative boundary, as needed, to restore ecosystem processes and functions. The desired condition under MPC 5.1 includes restoration of the historical role of fire, including the vegetative conditions that resulted from and contribute to how fire occurred in the past. The basic premise of this goal is that ecosystems and the plants and animals using these ecosystems are most resilient and resistant to disturbance, including climate change, when they are in a condition closest to that under which they evolved (Larsen 1995).

However, I recognize it is not possible, nor desirable, to restore the historical role of fire everywhere due primarily to public health and safety concerns in the wildland urban interface, air quality conflicts and the need to balance use of fire with other restoration tools which provide product outputs. The effects of fire are highly variable and result in a wider range of outcomes than achieved with the use of mechanical tools. Where restoration activities require more control to reduce risk of further loss to vegetation and/or habitat attributes in short supply, the use of fire will be limited in the short-term. The purpose of the amended Forest Plan is to restore the role of fire on as many acres as practical within public health and safety constraints, where risks to loss of vegetation or habitat attributes in short supply are acceptable and in a manner consistent with overall multiple use objectives.

c. *Management direction will be added to emphasize retention of most forest stands that meet the definitions of old-forest habitat or the large tree size class.*

The updated baseline for vegetative conditions reveals variability in whether the various tree size classes are within or outside the desired conditions in the amended Appendix A of the Forest Plan (FEIS, Appendix 2). While most tree size classes fall within or close to HRV, the baseline update reveals that for all forest types the large tree size class is below the subset of HRV that represents the Forest Plan range of desired conditions (FEIS, section 3.2). In light of this finding, my decision includes a standard, VEST03, that requires the retention of stands across all forest types that meet the Forest Plan Appendix A definition of a large tree size class.

Due to the substantial departures from desired conditions in many forest types, this standard applies to any stand that meets the large tree size class definition, regardless of the tree species that dominates. Given the lack of large trees, I believe it is important to maintain large tree structures, regardless of tree species, until acres of the desired species are restored in this tree size class. Therefore, standard VEST03 requires that all stands within this tree size class continue to be retained until Forest-wide inventories demonstrate the amount of acres fall within the desired range of acres identified in the amended Appendix A of the Forest Plan (FEIS, Appendix 2). The standard permits management activities as long as the stand still meets the definition of large tree size class after the activity is completed. Restoration and maintenance treatments using mechanical and fire tools will be required to maintain these stands within desired conditions, or to begin restoration of desired species composition.

The 2003 Forest Plan focused on restoration of the large tree size class and assumed that restoration of large tree forests would result in the diversity of conditions observed historically, including conditions within the large tree size class that constitutes old forest habitat. However, in light of the substantial reductions in old forest habitat macrovegetation in all forest types (FEIS, section 3.3.4.1.4), for the remainder of this planning period my decision emphasizes retention of existing old forest habitat. This subset of the large tree size is important to sustaining the diversity of wildlife species (FEIS, section 3.3.4.1.4). It is particularly important to some Region 4 sensitive wildlife species, such as the white-headed woodpecker (FEIS, section 3.3.5.3). Therefore, my decision includes a new standard, WIST08, which requires retention of forested acres that meet the definition of old forest habitat. Similar to

VEST03, management activities are permitted within such stands as long as the stand meets the definition of old forest habitat following completion of the activity.

WIST08 includes a definition of old forest habitat in the updated Appendix E of the Forest Plan (FEIS, Appendix 2). This definition is based on the best available science and is consistent with science generated for the Interior Columbia Basin Ecosystem Management Project (Hann et al. 1997; FEIS, section 3.1.7). The amended Appendix E of the Forest Plan (FEIS, Appendix 2) establishes a desired range of acres in old forest habitat. This desired range was generated from estimates of the HRV developed for this habitat component as part of ICBEMP. While this definition may evolve over time as new science emerges and we learn from field application, I believe the Appendix E definition provides the necessary attributes important to fostering the maintenance and restoration of this habitat component for the remainder of this planning period.

d. Management direction will be added to focus restoration in forested stands classified as large tree size class and medium tree size class to promote desired old forest habitat and large tree stand conditions, and to reduce hazards and risks to these habitats.

This decision includes objectives to restore additional acres of large tree class size and old forest habitat. For the remainder of this planning period, VEOB08 and WIOB13 focus vegetative management activities on forested stands that have the ability to move toward the large tree size class and old forest habitat. This decision adds standard WIST09 which requires restoration of forested stands currently in the medium and large tree size class to be designed to progress toward development of old forest habitat.

The FEIS effects analysis indicates that this decision (i.e., Alternative B) will result in an increase in the number of large tree size class and old forest habitat acres over time compared to Alternative A. It is estimated that about 7,250 more large tree size class acres will be restored in the first decade; 76,300 acres by the 5th decade and 135,900 acres by the 10th decade (FEIS, Table 2-4). About 3,600 more acres of old forest habitat macro-vegetation will be restored in the first decade; 48,800 acres by the 5th decade and 91,200 acres by the 10th decade (FEIS, Table 2-4). This increase will be due to the retention of existing large tree forests and old forest habitat, emphasis on their restoration, and to the reallocation of MPC 5.2 acres.

As part of restoration strategy, guideline VEGU08 is included. It emphasizes retention of legacy ponderosa pine and western larch trees. These older trees are an important legacy of the historical condition and are important to retain. These trees are generally resistant to nonlethal/mixed1 type fire disturbances, provide food and habitat for wildlife, and provide genetic material reflective of the local site conditions (Huckaby et al. 2003). Legacy trees are particularly important in the restoration of forest acres such as plantations that were developed following wildfire and historic timber harvest. Assessments have found that these trees are less common in number and/or distribution across landscapes due to changes in disturbance regimes (Van Pelt 2008). Since old ponderosa pine and western larch legacies are deficient within many landscapes, I have included this guideline.

e. Management direction will be added or modified to emphasize retention of large snags while balancing other objectives.

My decision includes additional Forest Plan direction to retain snags, especially large diameter snags greater than 20 inches in diameter at breast height (d.b.h.). Direction added will result in different

levels of snag retention within the various MPCs, consistent with multiple-use objectives. This direction applies to vegetation management treatments and in some cases, during salvage operations there are specific snag retention requirements. This decision adds a new standard to MPCs 3.1, 3.2, and 4.1c that require retention of all large-diameter snags during mechanical vegetation management activities, and retention of total snags at the high end of the range of desired conditions described in Appendix A, Table A-6 (FEIS, Appendix 2). These MPCs do not contain suited timberlands and therefore balancing multiple use needs, including providing for the economic recovery of wood products following disturbance events, is not a consideration. In contrast, MPCs 4.2, 5.1, and 6.1 contain suited timberland, and therefore providing economic recovery of wood products is a greater consideration to balance against multiple use objectives. For these MPCs, snag numbers are retained at the high end of the range of conditions defined in Appendix A, Table A-6, for salvage operations, and within the range of desired conditions for other vegetation management activities.

The new direction for snag retention weighs the considerable scientific debate regarding what level of salvage harvest is compatible with maintaining biodiversity in stand replacing wildfire areas, particularly in the mixed- and lethal fire regimes (FEIS, section 3.3.4.1.3 and section 3.3 species discussions). Because 70 percent of the forested land is not suited timberland (FEIS, Table 3-62), management objectives to provide wood products do not exist in these areas and the stricter snag retention requirements will apply. On the 30 percent of forestland that is suited timberland, restrictions on snag retention will be increased, but will still allow for recovery of wood products following disturbance events. This approach to snag retention is not predicted to impact species or habitat sustainability across the planning unit (FEIS, section 3.3). Some snag removal is supported by the fact that large diameter snags overall fall within or exceed desired conditions across forest types (FEIS, Table 3-19) and are expected to remain that way following this decision (FEIS, section 3.2.5.10).

The 2003 Forest Plan currently includes direction prohibiting fuelwood harvest within 300 feet of all perennial streams and 150 feet of all intermittent streams to ensure snag levels are maintained in these settings for wildlife and wood recruitment to streams. However, this direction does not address snag retention issues outside these areas. Of particular concern are MPCs 4.2, 5.1 and 6.1, which generally have greater roaded access which facilitates snag deficits resulting from the firewood program. In light of this, my decision includes a guideline in MPCs 4.2, 5.1 and 6.1 that emphasizes managing the firewood program in a manner that assures achievement of the desired conditions described in the amended Appendix A of the Forest Plan, Table A-6 (FEIS, Appendix 2).

2. Should exemptions to new or modified Forest Plan direction be included for activities that an authorized official determines are necessary for the protection of life and property during an emergency event; to reasonably address other human health and safety concerns; to meet hazardous fuel reduction objectives within WUIs; and/or to allow reserved or outstanding rights, tribal rights, or statutes to be reasonably exercised or complied with, and if so, what should the exemption to direction be?

My decision includes an exemption to: (1) Wildlife Resource standards WIST08, WISTO9, (2) Vegetation standard VEST03 and guideline VEGU07, and (3) MPCs 4.2, 5.1 and 6.1 standards concerning snag retention. The exemption states:

> "This standard [or guideline] shall not apply to activities that an authorized officer determines are needed for the protection of life and property during an emergency event, to reasonably address other human health and safety concerns, to meet hazardous fuel reduction objectives within

WUIs, or to allow reserved or outstanding rights, tribal rights or statutes to be reasonably exercised or complied with."

My decision also includes an exemption for MPCs 3.1, 3.2 and 4.1c standards concerning snag retention during mechanical vegetation management activities, including salvage harvest. The exemption states:

> "This standard [or guideline] shall not apply to activities that an authorized officer determines are needed for the protection of life and property during an emergency event, to reasonably address other human health and safety concerns, to meet hazardous fuel reduction objectives within WUIs, to manage the personal use fuelwood program, or to allow reserved or outstanding rights, tribal rights or statutes to be reasonably exercised or complied with."

Exemptions to the standards and guideline identified above, other than for activities an authorized officer determines are needed to meet hazardous fuel reduction objectives within WUIs, were not identified as a concern or raised as an issue in comments received as part of scoping or in response to the DEIS. Other than in the case of emergency events, these activities are not extensive enough to conflict with achievement of habitat conservation and restoration objectives. As a practical matter, it is reasonable to expect that impacts to habitat may result from activities needed to protect life and property in an emergency. The protection of life and property takes priority over other values in an emergency. To minimize impacts from emergency events, the Forest has processes in place to identify resources of concern that should be addressed through avoidance or mitigation insofar as the Responsible Official believes is possible without compromising the protection of life and property.

The exemption pertaining to hazardous fuel reduction objectives within WUIs was identified as a potential concern in the effects analysis and was raised as an issue in comments received during scoping. Essentially, to meet hazardous fuel reduction objectives in the WUI, forests might need to be thinned to densities lower than those identified as important for addressing some objectives in large-tree stands or old forest habitat. Similarly, forests within the WUI might need to be more homogenous to reduce the risk of wildfires, such as fire spreading into tree crowns. Finally, large snags important to old forest habitat may need to be removed in some WUI areas to reduce hazards to public health and safety in adjacent communities.

An estimated 16 percent (265,450 acres) of the 1.68 million forestland acres on the Forest fall within the WUI Analysis Area (FEIS 3.4.4.2). About 80 percent (214,130 acres) of these WUI acres fall within the nearly 875,000 acres of low- to mid-elevation ponderosa pine forests in the nonlethal and mixed1 fire regime (FEIS, Table 3-33). Concern was raised in comments that meeting hazardous fuel reduction objectives on acres within the WUI Analysis Area might affect the Forest Service's ability to restore old-forest habitat and large tree size class stands and their connectivity, which contributes to providing distributed wildlife habitat across the Forest. Of particular concern was the extent of WUI analysis unit acres within the low- to mid-elevation ponderosa pine forests, a forest type associated with habitats in greatest need of conservation and restoration.

The vegetative diversity analysis shows that the selected alternative does result in an increase in large tree size class forests and old forest habitat macrovegetation in the nonlethal and mixed-1 fire regimes compared to the 2003 Forest Plan strategy (Alternative A) (see Table 2-3 and section 3.2). However, this analysis also shows that the selected alternative results in about a 1,500-acre, 13,300-acre and 16,000-acre decrease in old forest habitat macrovegetation compared to Alternative C by the 1st, 5th

and 10th decade, respectively. Conversely, the analysis shows that the selected alternative results in about a 500-acre, 700-acre, and 1,800-acre increase in the large tree size class compared to Alternative C by the 1st, 5th and 10th decade respectively. The slight increase in the large tree size class acres is attributed to the desire to maintain a large tree, low density condition in the WUI in order to reduce hazards. However, while a slight reduction in the recruitment of old forest habitat macrovegetation would occur by adopting this decision versus Alternative C, it did not change the sustainability outcome of species assessed (section 3.3). In light of this conclusion concerning effects to wildlife sustainability, I have concluded that retaining the WUI exemption is warranted when balancing the various resource, social, and economic needs across the Forest.

However, to minimize any unintended effects of my decision to include this exemption, I have decided to add an additional guideline under the Wildlife Resource section of Appendix 2. Forestwide guideline WIGU18 requires that both the hazardous fuel reduction and the wildlife habitat conservation and restoration objectives should be met when they are not in conflict. However, while my expectation is that a reasonable effort will be made to meet both objectives, it is still true that standards WIST08, WIST09, VEST03 and management prescription category specific standards for snag retention may be waived for management activities within the WUI where the authorized officer determines that adherence to these standards would impair achievement of hazardous fuel reduction objectives. The authorized officer for a project has the discretion to make this determination.

3. Should Forest-wide and management area direction be modified or added to prioritize vegetative and associated wildlife habitat restoration treatments to increase the overall probability of restoration success, and if so, how?

The 2003 Forest Plan did not contain a restoration and prioritization strategy for wildlife habitat but rather included direction (WIOB03) to develop such a plan strategy. This decision creates such a strategy by modifying and adding Forest-wide and management area direction that will focus limited resources and funds in areas where I have concluded the greatest gains can be made. This restoration strategy was developed based on the conservation concepts described in Appendix 1 of the FEIS and related principles stated above that are described in detail in the updates to Appendix E of the Forest Plan (FEIS, Appendix 2).

The restoration strategy identifies the primary habitats to be restored as well as areas where restorative actions will be emphasized in a manner that acknowledges both long-term goals and short-term Forest Plan objectives. A map displaying watershed priorities indicating whether active or passive management tools are anticipated to be the primary emphasis in an area has been developed and is included as part of the amendment to the Forest Plan (FEIS, Appendix 3, *Vegetation and Wildlife Habitat Restoration Strategy Map*). Management Area objectives are included for vegetation and wildlife resources that tie directly to priority watersheds identified on this map and identify what vegetation and habitats within the watershed should be the focus of restoration this planning period.

In the **long-term**, this strategy will provide an overall blueprint to maintain and restore a representative, resilient, and redundant network of habitats across the Forest. A Forest-scale strategy provides the appropriate context to restore natural disturbance regimes, expand source environments, reconnect functional habitat areas and reduce undesirable levels of disturbance.

The **short-term** strategy focuses efforts during the next 10-15 year planning window on those habitats and species with the greatest needs, due to the extent of change of their associated habitat from historical conditions. Given limited resources and funding, I believe this approach will allow managers to progress toward desired conditions more efficiently and expeditiously. Short-term restoration priorities provide the building blocks for locating and designing restorative actions to increase patch size and connectivity over the long-term.

The identification of important source habitat watersheds through a restoration and prioritization strategy permits management to focus on restoring habitats in decline, to assist in progressing toward desired conditions within the framework of the conservation principles stated above, and increases the chance of successfully obtaining funding to implement that work.

4. Should potential conflicts between human use and species of greatest conservation concern, such as the wolverine, be monitored in priority habitat areas, and if so, how and why?

The analysis for this amendment revealed that the Forest contains habitat for an important wolverine subpopulation. I recognize that science has shown human use can impact wildlife habitat and can disturb individuals during denning and other critical life phases. To help identify potential areas of conflict between wildlife and human use, this analysis used midscale "surrogate" indicators such as road densities and the types of winter recreation activities allowed. While use of these surrogates indicates which areas potential conflicts may occur, the mid-scale data is not specific enough to identify conflicts that actually occur. The current assessment does not indicate whether a conflict is such that mitigation is required and what mitigation should be used.

This analysis has helped me understand where conflicts may exist within wolverine habitat so that areas can be prioritized for more site-specific study in the future. We have identified core watershed areas for wolverine where human disturbance may be affecting denning success and overall wolverine persistence. These priority watersheds are shown on the Forest-wide Source Environment Restoration map (FEIS, Appendix 3), which will be incorporated into the Forest Plan through this amendment.

My decision includes adding objectives in Management Areas 02, 05, 06, 10, 12, 13, 15, 19, 20, and 21 that are tied to priority watersheds identified on the map. These objectives identify the need to "determine whether winter recreation activities are impacting wolverine during the critical denning period within the ... watershed." These objectives will focus further data collection and surveys in priority areas to determine to what extent winter recreational activities are influencing wolverine use of the landscape. Focusing future studies in these areas will support an ongoing wolverine conservation strategy which actively identifies where conflicts exist, and will lead to development of specific mitigation that addresses the site specific situation.

The decision reflects my belief that to effectively resolve conflicts between winter recreational uses and species like wolverine, a collaborative approach involving all affected parties is required. To demonstrate my commitment to further this collaborative effort, in 2009 I supported the initiation of a study to address potential wolverine–human conflict in southwestern Idaho forests. This effort currently involves land management agencies, researchers and winter recreation user groups. The Idaho State Snowmobile Association is participating in and contributing funding to the wolverine study that is currently being implemented on parts of the Payette National Forest (Mitchell 2009). The

importance of proactively addressing whether human uses may affect wolverines was recognized by the local Resource Advisory Council (RAC), which also contributed funding to this effort. All parties recognize the results of the study may impact future winter recreational uses. However, their involvement in developing solutions for identified conflicts provides greater assurance that any mitigation will be more effective and successfully implemented.

In future years, I anticipate this study will be expanded to include the Boise and Sawtooth National Forests. To demonstrate my commitment to pursue involvement in this study I am adding a Forest-wide guideline, WIGU17, as described in Appendix 2 of the FEIS, which requires that annual monitoring of winter recreational use in high-elevation wolverine denning habitat should occur and relationships between winter recreational activities and wolverine use should be evaluated.

The addition of this direction lays the groundwork to resolve source environment issues for species of conservation concern like the wolverine. Data collection and surveys will allow more effective implementation of Forest Plan direction that provides safeguards and conservation measures for sensitive species such as wolverine.

My decision also recognizes that balancing human influences and species' requirements will be challenging and require coordination between the various user groups involved and managers and researchers to address questions of conflict. Therefore, my decision also includes a new Forest-wide objective WIOB14 that emphasizes the need to cooperate with researchers to answer basic life history questions about management conflicts for species of conservation concern such as wolverine.

5. Should the number of acres of forestland designated as suitable for timber production change and/or management on these acres be modified to address vegetative and wildlife habitat conservation and restoration needs, and if so, how and what will the resulting effect be to the decadal ASQ determination for timber that may be sold from the suited timber base?

My decision to reallocate MPC 5.2 acres to MPC 5.1 does not change whether or not forestlands are designated as suited for timber production. The greater diversity of multiple uses inherent in the management emphasis under a MPC 5.1 strategy (FEIS, section 2.5.1) compared to MPC 5.2 (see Alternative A) or MPC 3.2 (see Alternative C) were important to my decision. I also believe that the constraints on certain management activities associated with MPC 3.2 are unnecessary for the areas under consideration and may impede restoration efforts in the forests that are most affected by this decision (FEIS, section Table 3-54). My decision also reflects the belief that management to move toward HRV within the context of the wildlife principles stated above is compatible with the objective to provide wood products from areas designated as suited for timber production.

However, while the number of acres available for timber production will remain the same, the purpose of treatments will change. Treatments in MPC 5.2 were designed to cultivate stand conditions in a manner that maximized wood product growth and yield while mitigating effects to other resources. When these areas are reallocated to MPC 5.1, wood product yields will be a by-product of forest maintenance and restoration projects. Under the amended plan, the objective on these reallocated lands will no longer be to maximize growth and yield of wood products without a balanced consideration for other management objectives. The objectives under the amended plan will be to promote restoration of more natural forests and to provide a recurring and predictable level of wood products as a by-product of restoration that contributes to sustaining a local wood products processing industry in southwest Idaho essential to continued forestland restoration and maintenance services.

To assure that treatments on suited timberlands will complement vegetative and wildlife habitat restoration objectives, I have added the forest plan direction discussed above under items 1-4. This new or modified direction, including standards and guidelines for the retention and restoration of old forest habitat, large tree size class stands, legacy trees and large snags provides additional sideboards for project design to help ensure activities promote the variety of resource management objectives associated with an MPC allocation unit.

While my decision does not reduce acres of suited timberland, the change in desired condition and addition of new or modified management direction reduces the allowable sale quantity (ASQ) ceiling from 45.1 MMBF to 28.2 MMBF annually (FEIS, Table 3-63). It is also projected that the potential total sale program quantity (TSPQ) from both suited and unsuited timberlands will be reduced from 58.2 MMBF to 39.7 MMBF (FEIS, Table 3-64). This change may affect opportunities for annual wood products produced during the planning period, but this volume is above the TSPQ actually produced on average by the Boise National Forest over the last 5 years; 20.5 MMBF annually. This 5-year average reflects the production rate supported by current budgets, operations and organizational capacity. Thus, my decision will continue to support the average production levels realized over the last 5 years, and will allow for an increase in the current level by as much as 40 percent if funding and resources allow. As a result, the social and economic benefits associated with production of wood products are predicted to remain at least the same as realized over the last 5 years and may improve if the 40 percent increase is realized (FEIS, section 3.7).

I recognize that eliminating MPC 5.2 has raised concerns from local counties and industry about the agency's commitment to provide wood products and to sustain the local wood products industry. I recognize that contributing wood products needed to help sustain a wood products processing industry in southwest Idaho is essential to the success of continued forestland restoration and maintenance services on the Boise National Forest, and it is important to local communities and their economies. As noted above, my decision will continue to support the average production levels realized over the last 5 years. I believe this decision will continue to provide wood products at levels that contribute to resource, social and economic multiple use objectives and their sustainability. For example, the social and economic assessment indicates that my decision will likely result in an increase in revenues to counties through the 25 percent fund should the 40 percent increase in production levels be realized and will have a positive effect on all communities within the area of influence compared to either Alternative C or management under Alternative A at the current 5-year average production level (FEIS, sections 3.7).

6. Should monitoring and evaluation of the Forest Plan strategy be modified if Forest Plan direction is deleted, modified, or added, and if so, what modifications should be adopted?

Adaptive management is the foundation for planning and management. One of the lessons learned from the Forest's experience under the current Forest Plan is that plans need to be dynamic to account for changed resource conditions such as those that resulted wildfires, listing or delisting of species under the Endangered Species Act, new information and science and changed regulation and policies.

In light of the uncertainties associated with the assumptions used to develop the wildlife conservation strategy, testing and documenting the outcome of actions during the life of the Forest Plan is key to adjusting the "path" of the plan strategy to ensure goals and objectives for habitat conservation are realized. Therefore I am updating two monitoring elements to address factors associated with this

amendment that need to be tracked and evaluated (FEIS, Appendix 2). Specifically, monitoring Element 28 will be split into parts "a", "b" and "c". My decision removes reference to MIS from part "a" of Element 28. This element addressed species of conservation concern including ESA listed species and Regional sensitive species. MIS species are not always species of concern, such as the pileated woodpecker. To make this distinction, MIS species are now addressed separately under Element 29.

Part "b" is added to Element 28 to track progress of restoration activities in priority watersheds identified in the *Vegetation and Wildlife Habitat Restoration Strategy and Map*. Part "c" is added to Element 28 to track progress in winter recreation monitoring activities in wolverine priority habitat watersheds identified in the *Source Environment Restoration Strategy and Map.*

In addition, Element 29 has been modified and split into elements "a" and "b." Element 29a addresses monitoring of terrestrial wildlife MIS, while Element 29b addresses the need to develop relationships of change between habitat associated with MIS and the population trends generated in Element 29a.

As part of this decision I am also removing sections concerning MIS species in Forest Plan monitoring currently in Appendix E and moving them to Chapter IV of the Forest Plan (Implementation of the Forest Plan), including monitoring and evaluation. I am also removing reference to MIS from Forest Plan direction, except in one new guideline (WIGU16) which states that MIS and their habitats should be monitored annually. MIS references in other species-specific direction is removed to reflect that species-specific management is targeted at species of concern such as ESA listed or sensitive species. Management direction for the maintenance and restoration of habitat for MIS species that are not species of concern appears under general habitat direction. When an MIS species is an ESA listed or a Region 4 sensitive species, the direction under the plan for these classes of species applies.

Finally, my decision adds a new MIS species, black-backed woodpecker. The black-backed woodpecker has been selected as an MIS because, unlike the existing two MIS terrestrial wildlife species, it is dependent on fire landscapes and other large-scale forest disturbances (Nutt et al. 2010a). It is an irruptive species, opportunistically foraging on outbreaks of wood-boring beetles following large scale alterations in forest structure and composition resulting from fires or uncharacteristically high densities (Dixon and Saab 2000). Dense, unburned, older forests with high levels of snags and logs are also important habitat for this species. Habitat that supports persistence of this species benefits other species dependent on forest systems that develop in the presence of fire, insect and disease disturbance processes. Monitoring this species will also help the agency assess the effects of activities such as salvage harvesting on retention of snags sufficient to support associated wildlife species.

Part 4 Public Involvement and Alternatives Considered

Government and Public Involvement

Tribal Trust Responsibilities

The United States Government has a unique relationship with federally recognized American Indian tribes. Decisions concerning management on Federal lands can effect tribal community well being. As Federal agencies undertake activities that may affect tribes' rights, property interests or trust resources, care must be taken to implement agency policies, programs and projects in a knowledgeable and sensitive manner respectful of tribes' sovereignty and needs. The intergovernmental consultation process serves as the primary means for the Federal agencies to carry out their tribal trust obligations.

Consultation is not a single event; it is a process that leads to a decision such as this Record of Decision. Consultation can be either a formal process of negotiation, cooperation, and policy-level decisionmaking between tribal governments and the Federal Government, or a more informal process typically involving staff to staff discussions. Consultation can be viewed as an ongoing relationship between an agency and a tribe, characterized by consensus-seeking approaches to reach mutual understanding and resolve issues.

I have consulted formally or informally with the Nez Perce, Shoshone-Bannock, and Shoshone-Paiute Tribes regarding development of the Forest Plan amendments. Consultation through this process has served several purposes, including:

- To identify and clarify the issues
- To provide for an exchange of existing information and identify where information is needed
- To identify and serve as a process for conflict resolution
- To provide an opportunity to discuss and explain the decision
- To fulfill the core of the Federal trust obligation

While no Native American Indian reservations are located within the Forest or the Forest's socio-economic area of influence, ancestors of the modern day Nez Perce, Shoshone-Bannock, and Shoshone-Paiute Tribes were present in this area long before the Forest was established. The basis of each tribes' legal status rests within the context of the U.S. Constitutional provisions for Federal Government's powers for treaty making with other sovereign nations, and American Indian tribes inherent sovereignty. A tribe's legal status is also derived through agreements with the U.S. Government; congressional and executive branch recognition of the tribe; and Federal court interpretations of Indian law and legal documents, e.g., treaties, executive orders, agreements, Federal statutes and other Government to Government agreements. Section 3.6 of the FEIS provides specific information concerning each individual tribe.

Consultation efforts that informed decisions in the 2003 Forest Plan are incorporated by reference and helped inform my decision on this amendment. There are several elements of the 2003 Forest Plan that directly responded to issues concerning tribal community well being identified through earlier

consultations that remain unchanged and will continue to be implemented as part of forest plan direction following this decision. For example, Forest Plan direction pertaining to Tribal Rights and Interests (pages III-71 through III-72), the Heritage Program (pages III-69 through III-70) and Soil, Water, Riparian and Aquatic Resources (SWRA; pages III-18 through III-24) will continue to be used in forest plan implementation. These elements continue to convey my commitment to enhance the relationships we share with these tribes and consult to address purposes identified above. Continuing forward with SWRA management direction and the associated Aquatic Conservation Strategy (ACS) adopted as part of the 2003 Forest Plan remain critical to achieving overall watershed health and addressing the sustainability of salmon, a culturally significant fish species to the tribes.

Specific elements of this decision that tribes identified as having bearing on tribal community well being fall within two broad areas: (1) restoration of native terrestrial wildlife species habitats; and (2) harvestability of wildlife species of cultural interest. Restoration of native species' habitats is central to many tribal interests. Ensuring the harvestability of culturally significant species and access to social and/or traditional habitats is essential to the well being of American Indian communities.

As discussed in Wildlife Resources (section 3.3) of the FEIS, my decision moves all NFS acres within the administrative boundary of the Boise National Forest to a framework that promotes restoration of habitats to within HRV. The timeframe from which estimates of HRV were derived encompass the treaty making period between the U.S. Government and American Indian tribes which ended in 1871. The Nez Perce and Shoshone-Bannock tribes have treaties that were established during this time period, while the Shoshone-Paiute Tribes have treaties that were being developed during this time period but were never ratified.

In many cases, tribal goals concerning restoration are to move conditions toward or within those believed to have existed during the treaty-making period, or in this case HRV. The belief is that providing habitat within the range of HRV should result in sustaining wildlife species numbers at levels important to harvestability and associated community well being. As disclosed in Forest Vegetation Diversity (section 3.2), Wildlife Resources (section 3.3) and Tribal Rights and Interests (section 3.6) of the FEIS, I have determined that by promoting vegetative diversity and associated habitat conditions to within HRV over time, my decision will more fully address tribal rights and interests associated with native species and their habitats compared to the current 2003 Forest Plan. This, in term, will improve the likelihood of sustaining harvestability levels of culturally significant species important to a tribe's overall community well-being. In addition, current Forest Plan direction discussed above and specific exemptions to plan direction proposed under this amendment (FEIS Appendix 2) will help ensure that reasonable access to social and/or traditional habitats continues to be provided.

County and State Officials

The Forest provided periodic status and project updates to County and State agencies and officials. Consultation with County and State officials indicates that there are no major conflicts between the direction in the amended Forest Plan and the goals and objectives of these Government entities. The Boise NF made various efforts during the amendment process to understand and consider the policies and perspectives of other agencies and governments. County commissioners and State agencies

involved in the revision effort provided input that was considered in development of management direction. Discussions with IDF&G specifically focused on ensuring this plan amendment was consistent with efforts concerning the Idaho statewide Comprehensive Wildlife Conservation Strategy (IDFG 2005).

Public Involvement

During development of proposed Forest Plan amendments, the Forest Service used "scoping" to determine the scope of the issues to be addressed and to identify the major issues related to the proposal. As part of the scoping process, the Forest Service invited the public, American Indian tribes, and other Governmental agencies to participate (40 CFR 1501.7; 36 CFR 220.4(e); FSH 1909.15, Chapter 11).

During scoping, public involvement on the WCS and the associated Forest Plan amendment was sought at various points and multiple venues:

- Notices of Intent to prepare an EIS were published in the Federal Register in September 2007, December 2008, and April 2009.
- Over 700 scoping packages outlining the WCS and comment process were mailed in September 2007.
- A WCS newsletter was distributed to over 1,000 potential commenters in December 2008.
- A Web page explaining the WCS was developed and periodic updates provided.
- Articles have been published in local newspapers.
- Contact with Congressional offices and State and other Federal agencies was ongoing, as were formal and informal discussion with tribal governments.

The Forest Service received over 50 comments on the proposed amendments to integrate a WCS from individuals, organizations, tribes, and other governmental agencies during the scoping process. The planning team compiled these comments and identified the preliminary issues that would (1) help develop alternatives; (2) influence proposed Forest Plan direction; and/or (3) be used to track potential effects of the alternatives. Following review, I selected three major issues to be analyzed, as described below under "Major Issues." Many of the comments that did not result in a major issue were incorporated into management direction (goals, objectives, standards and guidelines) or used to analyze effects. All comments and concerns and the process used for identifying issues are presented in detail in the planning record.

On December 24, 2009, a draft EIS was released for public comment. A Notice of Availability of the draft EIS was published in the Federal Register on December 24, 2009, and a legal notice in *The Idaho Statesman* announcing release of the draft EIS was likewise published on December 24, 2009. The entire draft EIS was sent to 24 agencies, organizations and individuals, per their request. A summary of the draft EIS outlining the alternatives and associated environmental analysis, and providing an opportunity to comment, was mailed to 110 individuals, agencies, and/or groups on December 21, 2009. The entire draft EIS was posted on the Forest's website, with paper and electronic (CD) copies available upon request. In addition, the Forest held numerous briefings with organizations and elected officials during the 90-day public comment period on the draft EIS and prior to release of this Record of Decision, to explain the analysis, answer questions, and clarify conclusions.

During the comment period on the draft EIS, which ended March 24, 2010, letters, phone calls, and/or e-mails were received from 21 interested parties. The comments and the Forest Service responses to them are included in Appendix 7 of the FEIS.

Comments throughout this amendment process generally fell into three perspectives. Some people commented that we do not know enough about native forests to attempt to improve forest health and, therefore, should leave the forest alone. Essentially they believe nature knows best, and if there are problems, nature will heal itself. Some folks believe that even if the alleged problems are real, they resulted from human interventions and that any activity aimed at creating a more natural and sustainable condition is at best misguided thinking that a second wrong (second intervention) will make it right. These advocates often argue that "restoration" forestry is a ruse for more tree cutting, only this time under the veil of doing good for the forest.

Conversely, others see forest plan amendments that move forest management away from more traditional timber management and forest production and yield as just another obstacle to forest management and wood production in forests where this is an established multiple use goal. The perception is that treatments to improve forest conditions toward a more natural condition are expensive and focus on removing only small trees, and thus, will provide little support to communities that rely on predictable and recurring outputs of wood products that are commercially valuable.

In contrast to these two opposing views are those who believe that to move forest conditions back toward a more natural condition, in light of the multiple use purpose of national forests and varying conditions found on the landscape, require that all tools be available for use. While many folks strongly believed that restoration of a more natural forest requires that the ecological benefits of fire be reintroduced where it can be done safely, they also recognize that providing wood products that contribute to sustaining a wood products processing industry is essential to continued forest health improvement and maintenance services in southwest Idaho. However, commenters with this view varied substantially in how aggressively treatments should move forward and the level of constraints that should be in place to provide greater assurance that treatments used will not result in unintended outcomes as well as address other multiple use objectives.

Planning Issues

As noted above, based on public comment received during this amendment process, I identified three major issues that helped develop alternatives to the proposed action that were considered in detail. The background surrounding these issues is described in detail in the FEIS, section 2.3.1.

Issue 1: *Under the Proposed Action, acres in need of habitat restoration assigned to MPC 5.2 (Commodity Production Emphasis within Forested Landscapes) would continue to be designated as lands considered suitable for timber production when reassigned to MPC 5.1 (Restoration and Maintenance Emphasis within Forested Landscapes). Reallocating these acres to an active management MPC that still includes objectives to provide wood products that contribute to the Forest Plan's ASQ may further degrade wildlife habitat (or impede its restoration), regardless of whether or not commodity production is emphasized. Of specific concern are the low- to mid-elevation ponderosa pine forests, a forest type identified as one of greatest conservation concern.*

Issue 2: *Under the Proposed Action, activities within the WUI designed to reduce hazardous fuels that unacceptably increase wildfire risks[3] to residential developments and public health and safety are exempt from proposed Forest-wide standards concerning retention of large-tree stands, old-forest habitat, and large snags. This exemption may affect the Forest Service's ability to restore the extent and distribution of old-forest habitats associated with some species of greatest conservation concern (e.g., white-headed woodpecker). Of specific concern are the remaining acres of existing old-forest habitat—or those forest stands that could be restored to this condition in the near future—that are within the low- to mid-elevation ponderosa pine forests.*

Issue 3: *Assessments supporting WCS development indicate that forested lands have fewer large trees than desired in most forest types. In many managed areas, there are fewer large snags than desired. The Forest needs to retain all large trees and snags, especially in existing "old-growth" habitat, until habitat is restored.*

Alternative Development

Issues identified through scoping were used to generate a preliminary set of alternatives, which were then divided into "alternatives considered but eliminated from detailed study" and "alternatives considered in detail," FEIS sections 2.4.1 and 2.4.2, respectively. Both sets of alternatives are included in the reasonable range of alternatives considered for the Forest Plan amendments.

Only alternatives that met the purpose and need for change and which addressed one or more of the major issues were considered for detailed study. However, not all alternatives that met these criteria were studied in detail, as the number would have been prohibitively large. Instead, I identified those alternatives that met the criteria used to identify major issues and created a reasonable range of outputs, directions, management requirements, and effects.

Alternatives Not Considered in Detail

NEPA requires Federal agencies to rigorously explore and objectively evaluate a reasonable range of alternatives and to briefly discuss the reasons for eliminating any alternatives that were not developed in detail (40 CFR 1502.14). The six alternatives considered but eliminated from detailed study are listed below. A more detailed description of these alternatives, and the reasons for their elimination, can be found in the FEIS, Chapter 2, Alternatives Considered but Eliminated from Detailed Study.

- Reallocate Forested Lands Assigned to MPC 5.2 (Commodity Production Emphasis) to MPC 3.1 (Passive Restoration and Maintenance)
- Reallocated Low- to Mid-elevation Ponderosa Pine Forests (Within Nonlethal and Mixed1 Fire Regime) Currently Assigned to Passive Management MPCs (MPCs 1.2, 2.2, 3.1, 4.1a, and 4.1c) to MPC 5.1 (Restoration and Maintenance Emphasis within Forested Landscapes)
- Add Diameter Limits
- Add Road Density and Winter Recreation Management Direction to Protect Wolverine
- Add Management Direction to Prohibit Trapping and Provide Subpopulation Connectivity to Protect Wolverine
- Increase Winter Motorized Recreation to Benefit Community Economies

[3] Unacceptable risk represented by hazardous fuels is determined by the Responsible Official, who considers those factors relevant to that site-specific situation and professional judgments of local agency experts.

Alternatives Considered in Detail

The alternatives considered in detail all have features in common. They cover the same areas within and surrounding the Forest boundaries. They comply with the same Federal laws and regulations. The two action alternatives meet the purpose and need for this action and address the major issues to varying degrees.

Each action alternative includes proposed modifications in six areas of the Forest Plan:

- Changes in Chapter III of the Forest Plan for Forest-wide management direction for five resource areas—Threatened, Endangered, Proposed, and Candidate Species; Wildlife Resources; Vegetation; Fire Management; and Timberland Resources
- Changes in Chapter III of the Forest Plan for MPC allocations of NFS lands across the Forest
- Changes in Chapter III of the Forest Plan for individual management area standards, guidelines, and objectives
- Updates to the Forest Plan monitoring and evaluation strategy in Chapter IV of the Forest Plan
- Revisions to Forest Plan Appendix A, "Vegetation Desired Conditions, Vegetation Mapping, and Vegetation Classification"
- Revisions to Forest Plan Appendix E, "Wildlife and Fish."

Alternative A: No Action

Alternative A is the no action alternative, which provides the baseline for comparing alternatives in the EIS. Under Alternative A, management of the Forest would continue under the 2003 Forest Plan (as amended, and as updated with errata and corrections disclosed in annual Forest monitoring reports). A map of Alternative A is included in Appendix 3 of the FEIS.

Forest-wide Management Direction: Forest-wide management direction for Threatened, Endangered, Proposed and Candidate Species; Wildlife Resources; Vegetation; Fire Management; and Timberland Resources would remain unchanged.

Management Prescription Category Allocation and Associated Management Direction: NFS lands would remain assigned to Management Prescription Categories (MPCs) as displayed in the page-sized maps illustrating each of the 21 Forest Plan Management Areas in the Forest Plan (USDA Forest Service 2003a, pp. III-92 through III-354) and as summarized in Table 1.

Table 1. Management Prescription Categories (MPCs) Allocated in the Forest Plan

MPC	Emphasis	Area (acres)	Percentage of Forest (%)
1.2	Recommended Wilderness	184,000	8
2.2	Research Natural Areas	8,000	<1
2.4	Boise Basin Experimental Forest	7,000	<1
3.1	Passive Restoration and Maintenance of Aquatic, Terrestrial, and Hydrologic Resources	126,000	6
3.2	Active Restoration and Maintenance of Aquatic, Terrestrial, and Hydrologic Resources	284,000	13
4.1a	Undeveloped Recreation: Maintain Inventoried Roadless Areas	28,000	1
4.1c	Undeveloped Recreation: Maintain Unroaded Character with Allowance for Restoration Activities	567,000	26
4.2	Roaded Recreation Emphasis	31,000	1
5.1	Restoration and Maintenance Emphasis within Forested Landscapes	504,000	23
5.2	Commodity Production Emphasis within Forested Landscapes	400,000	18
6.1	Restoration and Maintenance Emphasis within Shrubland and Grassland Landscapes	64,000	3

Note: This table does not include MPC 1.1, which contains 64,000 acres within the Frank Church River of No Return Wilderness Area shown on Figure 1 as administered by the Boise and Salmon-Challis National Forests.

Management Area Standards, Guidelines, and Objectives for Individual Management Areas: Management area direction—including standards, guidelines, and objectives for individual management areas—would remain the same as found in Chapter III of the 2003 Forest Plan (USDA Forest Service 2003a, pp. III-92 through III-358). Management direction for large snags during vegetation management activities, including salvage, would remain the same on lands identified as suitable and unsuitable for timber production within MPCs that allow salvage activities (i.e., MPCs 3.1, 3.2, 4.1c, 4.2, 5.1, 5.2, and 6.1). The Forest Plan monitoring and evaluation strategy would remain the same as described Chapter IV of the 2003 Forest Plan (USDA Forest Service 2003a, pp. IV-1 through IV-18). Management indicator species (MIS) identified in Appendix E of the Forest Plan would remain unchanged (USDA Forest Service 2003a, pp. E-3).

Forest Plan Monitoring and Evaluation Strategy: Monitoring elements identified in Chapter 4 of the Forest Plan would not change and additional MIS species would not be added.

Appendix A (Vegetation Desired Conditions, Mapping, and Classification): Appendix A (Vegetation Desired Conditions, Mapping and Classification) of the Forest Plan would remain the same as in the 2003 Forest Plan (USDA Forest Service 2003a, pp. A-1 through A-31).

Appendix E (Wildlife Resources): Appendix E (Wildlife and Fish) of the Forest Plan would remain the same as in the 2003 Forest Plan (USDA Forest Service 2003a, pp. E-1 through E-9).

I decided not to continue forward with management under the current 2003 Forest Plan because it does not address the needs for change identified in Chapter 1 of the FEIS. Amending the forest plan to address these needs for change is necessary to provide reasonable assurance that wildlife diversity requirements will continue to be met in light of changed baseline conditions and evolving science.

Alternative B: Proposed Action

Alternative B is the Proposed Action presented to the public in 2007, 2008, and 2009. Alternative B is the Forest Service's proposal to address the needs for change identified by the Forest Service. A map of Alternative B is included in Appendix 3 of the FEIS. Alternative B includes the following key aspects (detailed in Chapter 2 and Appendix 2 of the FEIS):

Forest-wide Management Direction: Several goals and objectives for Threatened, Endangered, Proposed and Candidate (TEPC) Species; Wildlife Resources; and Vegetation would be modified for clarity and/or to describe the condition desired. A wildlife objective and standards would be added to focus habitat maintenance and restoration activities in wildlife priority watersheds, and to emphasize conservation and restoration of old-forest habitat. A wildlife guideline would be added to address monitoring of winter recreation use in wolverine denning habitat. A vegetation standard and guidelines would be added to retain important elements of vegetative diversity (e.g., large-tree stands) and to address the conservation of vegetation diversity elements (e.g., legacy trees).

Proposed standards concerning the restoration and conservation of old forest habitat and large tree forest stands would include an exemption for activities that an authorized official determines are needed to protect life and property during an emergency event; to reasonably address other human health and safety concerns; to meet hazardous fuel reduction objectives within wildland-urban interface (WUI) areas; or to allow reserved or outstanding rights, tribal rights, or statutes from being reasonably exercised or complied with. However, to minimize effects that may result from application of the WUI exemption, a guideline would be added in Wildlife Resources that describes my intent that where possible, projects should be designed to meet both hazardous fuel reduction and wildlife habitat conservation/restoration objectives.

A vegetation objective would be added to identify how many acres are anticipated to be treated each decade to further vegetation restoration and maintenance efforts. Fire management objectives would be modified and/or added to identify how many acres of hazardous fuel reduction and maintenance treatments are anticipated to be scheduled in the WUI, and how many acres are anticipated to be treated using prescribed fire, each decade. Timberland objectives would be modified to specify acreage anticipated to be treated each decade using commercial and noncommercial mechanical treatments, and to reflect the change in Allowable Sale Quantity (ASQ) and Total Sale Program Quantity (TSPQ) should this alternative be implemented.

A new objective would be added to Wildlife Resources and an objective in TEPC direction would be updated to identify the need to reduce road related effects to wildlife species of concern and their associated habitats. A guideline would also be updated in Recreation direction to reflect that wildlife habitat should be assessed, along with other biophysical resources, when evaluating the effects of recreation facilities and practices, and those facilities and practices that are causing degradation should be considered for relocation, closure, changes in management strategy, alteration or discontinuance.

Management Prescription Category Allocation and Associated Management Direction: About 400,000 acres would be reallocated from MPC 5.2 to MPC 5.1; the MPC 5.2 allocation unit and its associated direction would be deleted. A vegetation standard specifying snag retention would be added to MPCs 3.1, 3.2, and 4.1c; the same exemption discussed under Wildlife Resources and Vegetation would apply here, but the exemption would also apply to personal use firewood collection

in these MPCs. To MPCs 4.2, 5.1, and 6.1, a vegetation standard would be added, specifying how snags are to be retained in commercial salvage sales, and a vegetation guideline would be added specifying how the personal use firewood program should be managed to retain large snags. A road guideline would be added to MPC 5.1 and 6.1 describing how public motorized use would be managed when building new roads to implement vegetation restoration projects. Where these roads are not needed for long-term management, temporary roads should be used and decommissioned following the restoration activity.

Management Area Standards, Guidelines, and Objectives for Individual Management Areas: Resource descriptions of Vegetation, Wildlife Resources, Timberland Resources, and Fire Management conditions would be updated to reflect the updated multi-scale analysis.

Objectives and/or guidelines would be added to focus restoration on important vegetation components, such as whitebark pine or old-forest habitat; reduce road densities where they affect source habitat for white-headed woodpecker (a species of conservation concern) in priority watersheds; conserve or restore source habitat for white-headed woodpecker; determine whether winter recreation activities are affecting wolverine (a species of conservation concern) during the critical winter denning period; emphasize treatments in WUIs and the importance of coordinating these treatments with adjacent landowners.

Forest Plan Monitoring and Evaluation Strategy: Monitoring elements concerning TEPC species, sensitive species, and Management Indicator Species (MIS) would be clarified and modified, and the MIS section in Appendix E would be moved to Chapter 4 of the Forest Plan. A terrestrial wildlife MIS associated with wildfire disturbance events and PVGs 7 and 10 not addressed by other MIS, black-backed woodpecker, would be added.

Appendix A (Vegetation Desired Conditions, Mapping, and Classification): Discussions would be modified to note that desired conditions for size class, canopy cover, and species composition would be evaluated on a Forest-wide scale, rather than 5th HUC scale, and spatial patterns (described in terms of fire regimes and PVGs) would be evaluated at the 5th HUC scale. A Vegetation and Wildlife Habitat Restoration Strategy that emphasizes the large tree size class, spatial patterns, and declining seral tree species would be added. All references and desired conditions pertaining to MPC 5.2 would be deleted.

Appendix E (Wildlife Resources): Appendix E would be updated to make it specific to Wildlife Resources. Detailed discussions concerning conservation principles and how they should be used in subsequent fine- and project/site-scale analyses would be added. A Vegetation and Wildlife Restoration Strategy that emphasizes the restoration and conservation of old forest habitat, improvements in patch size and spatial patterns, and habitat connectivity would be added. The sections concerning the Endangered Species Act (ESA) and sensitive species, the lynx connectivity map, and the section, "Management Strategies to Address Elk Vulnerability to Mortality, Travel Management Impacts, And Security Needs," would be deleted because they are duplicative and/or unnecessary.

I have decided to implement Alternative B for the reasons stated above.

Alternative C

Alternative C was developed to address Issues 1, 2, and 3. Under Alternative C, the 400,000 acres currently in MPC 5.2 would shift into MPC 3.2, and the corresponding requirements under MPC 3.2 would apply to these acres. A map of Alternative C is included in Appendix 3 of the FEIS. Alternative C includes the following key aspects (detailed in Chapter 2 and Appendix 2 of the FEIS):

Forest-wide Management Direction: Modifications to Forest-wide management direction for TEPC and Fire Management would be the same as described under Alternative B. Forest-wide management direction for Wildlife Resources would be modified as under Alternative B, except that – to respond to Issues 2 and 3 concerning the effects of WUI hazardous fuel reduction treatments on wildlife habitat -- the exemption to proposed standards and guidelines would be modified to allow activities that an authorized official determines are needed for the protection of life and property during an emergency event; to reasonably address other human health and safety concerns; or to allow reserved or outstanding rights, tribal rights, or statutes from being reasonably exercised or complied with. Forest-wide management for Vegetation would be modified as under Alternative B, except that activities pertaining to hazardous fuel reduction in a WUI would not be exempt from proposed standards. Objectives for Timberland Resources would be modified as under Alternative B, with the change in ASQ and TSPQ that would result from this alternative.

Management Prescription Category Allocation and Associated Management Direction: In response to Issues 1 and 3, the 400,000 acres of MPC 5.2 would be reallocated to MPC 3.2 (Active Restoration and Maintenance of Aquatic, Terrestrial, and Wildlife Resources) and MPC 5.2 and its associated direction would be deleted. Reallocation to MPC 3.2 would designate the forested acres within this area as *not* suited for timber production, reducing suited timberlands from 516,100 to 274,350 acres. The same vegetation standard added to MPCs 3.1, 3.2, and 4.1c in Alternative B for large-snag retention during vegetative treatment activities would be included and also apply to the additional 400,000 acres reallocated to MPC 3.2. The exemption from Alternative B would apply, except for WUI hazardous fuel treatments. The same vegetative standard added to MPCs 4.2, 5.1, and 6.1 for retention of snags during commercial salvage sales would be added. The same vegetative guideline added to MPCs 4.2, 5.1, and 6.1 for managing the personal use firewood program would be added, and this same guideline would be added to MPC 3.2 under Alternative C. The same road guideline added to MPC 5.1 and 6.1 under Alternative B, describing how public motorized use would be managed when building new roads for vegetation restoration projects, would be added.

Management Area Standards, Guidelines, and Objectives for Individual Management Areas: Alternative C's modifications would be the same as those under Alternative B.

Forest Plan Monitoring and Evaluation Strategy: This chapter would be modified as under Alternative B.

Forest Plan Appendix A (Vegetation Desired Conditions, Mapping, and Classification): Appendix A would be modified as under Alternative B.

Appendix E (Wildlife Resources): Appendix E would be modified as under Alternative B.

I did not select Alternative C due to the additional constraints on duration of effects, vegetation management and road activity associated with MPC 3.2. As stated under the overall strategy assumptions above, to manage within the range of HRV requires greater flexibility than many traditional management strategies, not less. Based on my review of conclusions in the FEIS, I believe MPC 3.2 would require a more conservative approach to restoration than would be allowed under MPC 5.1 due to constraints resulting from more stringent management direction, as well as the more singular focus of this MPC for wildlife and aquatic resource restoration.

I believe this more conservative approach is warranted in areas where MPC 3.2 is currently assigned due to aquatic threatened and endangered species management concerns (e.g., South Fork Salmon River and the salmon fisheries) and the fact that this current allocation unit location is primarily in the mid- to upper elevation forests that require less active management to restore. However, I do not believe this same situation exists in areas that currently fall within MPC 5.2. Nearly 83 percent of the forested acres assigned to MPC 5.2 are low- to mid-elevation ponderosa pine forest (FEIS, section 2.4.1.1). To effectively restore these low to mid-elevation pine forest within a reasonable timeframe will, in many cases, require that the manager have the flexibility to use both a conservative or aggressive approach. Decisions as to which approach should be used will depend on the site-specific situation and mix of multiple use objectives involved. MPC 5.1 provides the manager with the flexibility to be conservative where needed, but to also be aggressive when the balance of resource effects, uses and short-term restoration need warrant.

I also believe that Alternative C's more singular focus on wildlife and aquatic habitat restoration within the low to mid-elevation pine forests does not provide as strong a framework for collaborative planning efforts. For similar reasons as found when working in collaborative efforts involving the MPC 5.2 allocation unit which had a more singular focus on wood production, I believe some parties involved in future collaborative efforts that overlap MPC 3.2 areas will believe they have less opportunity to reflect their interests in project design when those interests are not part of the focus for the allocation unit. MPC 5.1 provides a broader spectrum of restoration opportunities and implies my belief that restoration of forest, wildlife habitat and providing commodities and services can all be promoted in the same allocation unit, and in many cases be complementary.

In addition, the more conservative nature of Alternative C is anticipated to result in higher restoration costs to the agency, which in light of current or falling budgets and resources in the future could increase the timeframe needed to restore the extensive acres of departed forestland in the low- to mid-elevation ponderosa pine forests. This cost increase is largely due to my belief that there will be a need to use higher cost treatments in order to meet the more stringent forest plan standards in MPC 3.2 concerning duration of effects, vegetation management activity and road management activity. In addition, the greater use of higher cost restoration tools and activities will likely reduce product revenues that contribute to the 25 percent fund (FEIS, section 3.7, Table 3-85), which would impact affected county budgets. In light of my belief that meeting habitat restoration goals is compatible with providing a predictable and recurring supply of wood products as an outcome of achieving restoration goals and objectives, I believe this would be an unnecessary impact to counties and reduction in management flexibility.

Part 5 Findings Related to Laws and Authorities

Findings Required by Law

National Forest Management Act (NFMA)

Diversity

The National Forest Management Act requires the Secretary of Agriculture to specify "guidelines for land management plans developed to achieve the goals of the Program which provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives." 16 U.S.C. § 1604(g)(3)(B). The guidelines currently applicable to the forest plan amendment are in 36 C.F.R. Part 219 (2000), as amended. The transition provision of this regulation makes the 1982 NFMA planning regulations applicable to plan amendments and revisions. The guidelines for providing diversity found under these regulations state that "fish and wildlife habitat shall be managed to maintain viable populations of existing native and desired non-native vertebrate species in the planning area." The regulations require forests to provide well distributed and adequate habitat to ensure the continued existence of these species. The purpose of the wildlife conservation strategy is to restore and maintain such habitat.

Because of the complexity and dynamic nature of the ecosystems managed by the forest, there are no precise standards or techniques that guarantee planning will provide for sustainability and diversity of plant and animal species. The Committee of Scientists that advised the Forest Service on the 1982 NFMA regulations stated, "it is impossible to write specific regulations to 'provide for' diversity" and "there remains a great deal of room for honest debate on the translation of policy into management planning requirements and into management programs" (44 Fed. Reg. 26,600-01 and 26,608).

Moreover, the dynamic relationship between habitat conditions and species persistence is not yet well understood for many species. Data on climatic conditions, geologic events, and other non-habitat factors is limited, and our understanding of complex relationships is also limited, such that a reliable model of the impacts of these factors is not available. Therefore, for most species my decision relies primarily on the judgments of experts regarding the projected habitat and sustainability outcomes of the three alternatives over time (Appendix 4, FEIS). I believe this assessment method is reasonable and scientifically based. The draft WCS, including its assumptions and methodology, was evaluated through a science consistency review (FEIS, section 3.2.1.1). The review concluded that, while the draft WCS was generally consistent with available scientific information, it could be improved by addressing the reviewer's comments (project record; Science Consistency Review and Agency Response). The draft WCS was revised to address the reviewer's comments before it was finalized (Nutt et al. 2010a), further supporting my conclusion that the WCS is reasonable and scientifically based.

In making a determination of compliance with the NFMA, I considered existing or reasonably foreseeable conservation measures, including consistency with the Idaho State Comprehensive Wildlife Conservation Strategy (IDFG 2005). In accordance with the theme of ecosystem management, I placed reasonable reliance upon assessments of (1) species with habitat needs that are roughly the same; (2) a group of species generally thought to perform the same or similar ecosystem functions; and/or (3) the continued integrity and function of ecosystem(s) in which a species is found (FEIS, Appendix 4; Nutt et al. 2010a).

I find that this decision satisfies the requirements of the NFMA and its implementing regulations because it will provide an amount and distribution of habitat adequate to support the continued persistence of vertebrate wildlife species in the planning area (FEIS, sections 3.2 and 3.3). I also find that adoption of the standards and guidelines comprising this amendment will not jeopardize the continued existence of any listed species under the Endangered Species Act (Appendix 6, FEIS; Nutt et al. 2010b). I have based my determination on the findings in this FEIS and all of the evidence contained in the record.

Are amendments to the 2003 Forest Plan Significant or Non-Significant?
Under the National Forest Management Act (NFMA, 16 USC 1604(f)(4), forest plans may "be amended in any manner whatsoever after final adoption and after public notice, and, if such amendment would result in a significant change in such plan, in accordance with subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section."

This amendment has been developed using the 1982 regulations. The 1982 regulations state, "Based on an analysis of the objectives, guidelines, and other contents of the forest plan, the Forest Supervisor shall determine whether a proposed amendment would result in a significant change in the plan."

Forest Service Handbook policy in place prior to 2000 (Forest Service Handbook 1909.12, section 5.32; effective date 8/3/1992) listed four factors to be evaluated when determining whether a proposed change to a forest plan is significant or not: (a) timing; (b) location and size; (c) goals, objectives and outputs; and (d) management prescriptions. I have evaluated the proposed amendment under these four factors and I have concluded that it does not constitute a significant amendment of the Boise National Forest Plan for the reasons described below.

a. Timing. The timing factor examines at what point, over the course of the forest plan period, the Plan is amended. Both the age of the underlying documents (i.e., when the Forest Plan was revised, in this case 2003) and the duration of the amendment are relevant considerations. The later in the planning period, the less significant the change is likely to be. The decision to revise the Boise National Forest Plan was made in July 2003 and the plan decision was implemented in September of 2003. Management direction resulting from this amendment will be in place for the remainder of the planning period; 2013 to 2018 based on a 10-15-year plan life. Implementation of the amended plan for 3-8 years, while improving habitat conditions for wildlife species on the 5 to 13 percent of the total forest acres expected to be treated, will not result in a significant change in habitat trends across the planning unit during the remainder of this planning period compared to continuation of the 2003 Forest Plan.

For example, the greatest change is expected to occur in the low to mid-elevation pine forests due to a priority emphasis for treatment in these areas combined with the fact that about 83 percent of the forestland in MPC 5.2 is low- to mid-elevation ponderosa pine. Table 2-4 shows that continued management under the 2003 Forest Plan over the next decade would result in an increase of the desired large tree size class across forest types of about 33,500 acres compared to the selected alternative which is expected to result in an increase of about 40,700 acres.

b. Location and Size. The key to location and size is context, or "the relationship of the affected area to the overall planning area, because "the smaller the area affected, the less likely the change

is to be a significant change in the forest plan." The proposed management direction applies only to proposed and new projects that fall on that portion of the total 2.2 million acres of National Forest System lands within the administrative boundary of the Boise National Forest that are forested, or about 1.68 million acres. Based on new forest plan objectives VEOB08 and FMOB04, an average of about 26,500 forested acres per year may be affected by future mechanical and wildland fire vegetation management treatments. Over the remaining 3 to 8 years, the total acreage treated is expected to range from 79,500 to 212,000 acres or from 5 to 13 percent of the total forested acres. Of these acres, the greatest change would occur on forested acres treated that currently fall within MPC 5.2 that are outside riparian conservation areas (RCAs) and high landslide prone areas[4]. Thus, of the total 400,000 acres reallocated from MPC 5.2 to MPC 5.1, about 241,750 forested acres are outside RCAs and high landslide prone areas will experience the greatest change due to changes in desired conditions if treated. This equates to about 14 percent of the total 1.68 million acres of forestland in the planning area. This 14 percent is a relatively small percentage of the total NFS area administered by the Boise National Forest. In addition, as noted above, only 5 to 13 percent of the total forested acres are expected to be treated in the remaining planning period. For these reasons, implementation of the Forest Plan amendments will not result in a significant change in the location or size of the affected area.

*c. **Goals, Objectives, and Outputs**.* The goals, objectives, and outputs factor involves a determination of "whether the change alters the long-term relationship between the level of goods and services in the overall planning area" (Forest Service Handbook 1909.12, section 5.32(c)). Application of this criterion requires an analysis of the overall forest plan and the various multiple-use resources, services and outputs that may be affected by the amendment. As discussed below under Part 6 of this ROD, this decision applies only to proposed or new projects.

The purpose of the proposed Forest Plan amendment is to complete a WCS for the Forest and amend the 2003 Forest Plan to integrate the WCS recommendations. This EIS is "of a lesser scope" than that developed for the 2003 Forest Plan, because the purpose of the 2003 Forest Plan was to guide all natural resource management activities on the Forest (USDA Forest Service 2003a, p. 1-4) to support a variety multiple use objectives. I have determined that my decision will not measurably affect goals, objectives or outputs across multiple resource areas in the Forest Plan. These resources include:

- Air Quality and Smoke Management
- Soil, Water, Riparian, and Aquatic (SWRA) Resources
- Botanical Resources
- Nonnative Plants
- Rangeland Resources
- Recreation
- Scenic Environment
- Cultural Resources
- Roads and Facilities
- Inventoried Roadless Areas
- Wilderness and Recommended Wilderness

[4] Consistent with the 2003 Forest Plan, areas that fall within RCAs and high landslide prone areas within a MPC 5.2 or 5.1 allocation unit are managed under a MPC 3.2 prescription once identified in the field (Forest Plan standards TRST04 and TRST05).

- Wild and Scenic Rivers

A summary of the interdisciplinary team's findings as to why these resources are not measurably affected is contained in Appendix 5 of the EIS. Forest Plan goals, objectives, standards and guidelines for the management of these resources remain unchanged with two minor exceptions. A recreation guideline and a Roads and Facilities objective will have minor modifications described in Appendix 2 of the FEIS. Outputs resulting from all of these resource areas are not projected to change from those disclosed in the 2003 FEIS effects analysis.

In addition to these resource areas, the Threatened, Endangered, Proposed and Candidate (TEPC) species and Fire Management sections of the Forest Plan would not measurably change. Changes to the TEPC section of the plan are: (a) corrections that remove management direction for Gray Wolf and Bald Eagles, no longer listed under the Endangered Species Act (ESA); (b) revised goal statements to provide greater clarity and/or to describe the desired condition rather than to imply an action; and (c) correction of topographical errors or removal of duplicative direction. These changes do not result in any measurable effect or change in intended outcomes for TEPC species under the Forest Plan. Changes discussed below in remaining sections of the Forest Plan do not alter intended outcomes for TEPC species due to standards and guidelines that remain in the TEPC plan direction for the conservation and protection of these species. As a result, the team biologist concluded in the biological assessment and evaluation that there is no need to reinitiate consultation on the Forest Plan. Both the National Marine Fisheries Service and US Fish and Wildlife Service agreed with this conclusion (refer to Appendix 6, FEIS).

The forestwide and management area specific Fire Management sections of the forest plan changed only insofar as providing greater specificity to plan objectives as to the intended use of prescribed fire. In addition, within management areas containing wildland urban interface areas, fire management objectives were clarified to emphasize the importance of coordinating with local and tribal governments, agencies and landowners in developing County Wildfire Protection Plans (CWPP). I have determined that the multiple use services, outputs and desired resource conditions associated with this resource would not be measurably affected by this forest plan amendment.

Resource sections of the Forest Plan that will change as part of the forest plan amendment are Wildlife Resources, Vegetation and Timberland Resources. Vegetation and Wildlife Resource goals were modified to improve clarity. Objectives were modified to reference the Vegetation and Wildlife Habitat Restoration and Source Environment Strategies. New standards and guidelines added in these sections contribute to accomplishment of clarified goals and objectives consistent with the updated baseline conditions and recent science.

Timberland Resource objectives were corrected to reflect projected treatment levels. Projected treatment acres are similar to those projected in 2003 and portrayed in the 2003 effects analysis. However, acres shown in the 2003 version of timberland objective TROB01 for harvest treatments was set at 50 percent (4500 acres/year or 45,000 acres/decade) of the modeling projections (9000 acres/year or 90,000 acres/decade). Acres project in TROB01 in this amendment reflect the modeled projections. Thus, while this appears to be a substantial increase, it reflects what was actually projected to be treated and what was analyzed in the 2003 FEIS effects analysis.

Timberland Resource objective TROB02 will be changed to reflect a reduction in the ASQ ceiling from 45.0 MMBF to 28.2 MMBF. Objective TROB03 will also be changed to reflect a reduction in the potential TSPQ from 58.2 MMBF[5] to 39.7 MMBF. Because the forest has produced only 45 percent of ASQ and 35 percent of TSPQ projected in 2003, FEIS, section 3.5 explains that following this decision, the Forest is expected to, at least, continue current production levels of about 20.5 MMBF/year.

d. Management Prescriptions. The management prescriptions factor involves the determination of (1), "whether the change in a management prescription is only for a specific situation or whether it would apply to future decisions throughout the planning area" and (2), "whether or not the change alters the desired future condition of the land and resources or the anticipated goods and services to be produced" (Forest Service Handbook 1909.12, section 5.32(d)).

Will the management prescription change be for a specific situation or will it apply to future decisions throughout the planning area?

My decision reallocates 400,000 acres currently in MPC 5.2, *Commodity Production Emphasis within Forest Landscapes*, to MPC 5.1, *Restoration and Maintenance Emphasis within Forest Landscapes*. This decision applies to future project decisions that fall within this area made during the remainder of this planning period, 3-8 years. However, only management objectives on 241,750 forested acres of the 400,000 acres identified as suited for timber production would be affected by this decision. On these acres the desired condition would change and the management objective would move from one that emphasizes timber production to one emphasizing restoration. The desired condition and management objectives on the remaining 108,250 forested acres considered unsuitable for timber production would not change as a result of my decision.

The majority of the 241,750 forested acres (15 percent of the total forestland acres across the Forest) to be reallocated from MPC 5.2 to MPC 5.1 occur within the low to mid-elevation ponderosa pine forests. These acres are those that would be most affected by proposed amendments due to the greater magnitude of change in desired future condition for live ponderosa pine forests. This change would result in treatment designs that require a greater number of acres be restored to within HRV, and once restored, twice as many forested acres maintained in a large tree condition compared to the desired conditions under MPC 5.2. The DFC on the remaining 1,427,150 forestland acres (85 percent of the total forestland acres) and 532,400 non-forested acres would remain as identified in the 2003 Forest Plan, Appendix A.

In addition to this direct reallocation, new standards and guidelines would be added to MPCs 3.1, 3.2, 4.1c, 4.2, 5.1 and 6.1 concerning the conservation of legacy trees and snags. Combined, these MPCs include about 90 percent of the forested acres across the Boise National Forest. Legacy tree guidelines apply to all of these MPCs equally; however, the degree of change resulting from new direction on snag retention varies depending on whether the forested acres are identified as suited for timber production (most forested acres within MPCs 4.2, 5.1 and 6.1) or unsuited for timber production (all forested acres within MPCs 3.1, 3.2 and 4.1c).

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[5] Note – TROB03 as stated in the 2003 Forest Plan projected a potential TSPQ of 66.7 MMBF/annually. Modeling supporting this amendment resulted in a reduction in the potential TSPQ to 58.2 MMBF due to the change in baseline conditions resulting from wildfires since 2003. Had I selected Alternative A to be implemented, this adjustment in TSPQ would have been made.

Within MPCs with suited forestland, new plan direction requires snags to be retained during salvage operations at the high end of the desired range identified in Appendix A, rather than anywhere within that range as required currently in the 2003 Forest Plan. Within MPCs encompassing timberlands identified as not suited for timber production which allow salvage activities (i.e., MPCs 3.1, 3.2 and 4.1c), new standards require retention of all large snags (>20 inches d.b.h.) and at least the maximum number of snags within the desired range for other size classes for all vegetation management treatments. Snag retention in all other vegetation management activities remains unchanged in these MPCs.

Will the change alter the desired future condition of the land and resources or the anticipated goods and services to be produced?

As discussed above, the desired future condition on 241,750 acres of forestland within MPC 5.2 will change when reallocated to MPC 5.1 (FEIS, section 3.2). As discussed in Timberland Resources, an outcome of the change in DFC when these acres are reallocated combined with new standards for old forest habitat and large tree forests that apply across all MPCs will be that the allowable sale quantity (ASQ) decadal ceiling will reduce from 45.1 MMBF to 28.2 MMBF; and potential TSPQ will reduce from 58.2 MMBF to 39.7 MMBF. However, as identified in Timberland Resources (FEIS, section 3.5), while the decadal ASQ "ceiling" and potential TSPQ will be reduced, the quantity of wood products anticipated to be made available yearly ("effective TSPQ") through the remainder of the planning period is not expected to reduce. The Socio-Economic Environment section (FEIS, section 3.7) identifies that the annual effective TSPQ has averaged 20.5 MMBF for the first 5 years of plan implementation. Under the amended plan, based on current budgets and operational capacity, it is anticipated that at least 20.5 MMBF would continue to be made available annually through the remainder of the planning period. Should budgets and operational capacity improve, as much as 29.0 MMBF could be produced. However, in light of the current economic situation nationally, substantial improvements in budget or operational capacity are not expected for most, if not all, of the remainder of this planning period.

In addition, compared to implementation under the current Forest Plan, wildlife habitat and vegetative diversity conditions should trend more quickly toward those believed to have existed historically on more acres across the forest. Implementation of a more strategic prioritization approach to treatments should result in a greater likelihood of increasing existing habitat patch sizes and improving connectivity of habitat. However, while improving trends are expected, over the remaining 3 to 8 years of the planning period total acres where improving trends would be realized compared to that currently occurring, is expected be less than a 1 percent change in the large tree size class across the forest. While trends will continue to improve in later decades and result in measurable differences should a similar strategy continue to be implemented (e.g., refer to Tables 2-2, 2-3, and 2-4, current condition compared to decade 10 projection), for the remainder of this planning period the change would be small (e.g., refer to Tables 2-2, 2-3, and 2-4, current condition compared to decade 1 projection).

Finding of Non-significance

On the basis of the information and analysis contained in the EIS and project record which supported disclosures under the factors outlined above, it is my determination that adoption of this plan amendment decision does not constitute a significant amendment to the 2003 Forest Plan.

How Does the Amended Forest Plan Meet Other Laws and Authorities?

National Environmental Policy Act (NEPA)

In addition to minor edits and corrections, a number of changes were made to the DEIS in preparing the FEIS. These changes are reflected throughout the FEIS, with specific changes summarized within each section. I do not believe that the edits, corrections, and/or additional analysis necessitate issuance of a supplemental DEIS. The updated information disclosed in the FEIS falls within the scope of the analysis depicted in the DEIS and in most cases simply provides additional explanation.

The FEIS disclosures address the following specific elements discussed in NEPA:

Consideration of Short-term Uses and Long-term Productivity
Short-term uses are those expected to occur for the remainder of the planning period (approximately 10 years), including commercial timber harvest, precommercial thinning, and prescribed burning. Although these uses are not authorized by the Forest Plan or the amendment, the potential for these uses is described in Forest Plan goals and objectives at the Forest-wide and Management Area levels (Appendix 2 of the FEIS).

Long-term productivity refers to the capability of the land to provide resource outputs for a period of time beyond the planning period. Adherence to minimum management requirements established by Federal regulation (36 CFR 219.27), maintain the long-term productivity of the land. Minimum management requirements are contained in Forest-wide and Management Area standards and guidelines and are met under any alternative. The requirements ensure that the long-term productivity of the land is not impaired by short-term uses.

Monitoring and evaluation found in Appendix 2 of the FEIS for these Forest Plan amendments, and in Chapter IV of the revised Forest Plan (USDA Forest Service 2003a), apply to all alternatives. Primarily, monitoring ensures that long-term productivity of the land is maintained or improved. If monitoring and evaluation indicate that Forest Plan standards and guidelines are inadequate to protect long-term productivity of the land, then the Forest Plan will be readjusted (through further amendment or revision) to provide for more protection or fewer impacts.

Unavoidable Adverse Effects
The Forest Plan and proposed amendments do not produce unavoidable adverse effects because they do not directly authorize management activities that result in such effects. The amended Forest Plan would, however, establish management emphasis and direction for activities that may occur on NFS lands in the planning period. If and when those activities occur, applying Forest-wide, MPC, and Management Area standards and guidelines will limit the extent and duration of environmental effects. Unavoidable adverse effects may occur, including temporary and short-term effects to the environment (such as smoke generated by prescribed fire), as restoration activities are implemented.

Environmentally Preferable Alternative(s)
Regulations implementing the NEPA require agencies to specify "the alternative or alternatives which were considered to be environmentally preferable" (40 CFR 1505.2(b)).

Based on the description of the alternatives considered in detail in the FEIS and this ROD, I believe Alternative B best meets the goals of Section 101 of NEPA and, therefore, is the environmentally preferable alternative. Alternative B best addresses the primary risks to forested habitat for species of conservation concern and the opportunities to reduce those risks, particularly in the low to mod-elevation ponderosa pine forests of conservation concern, while providing sustainable goods and services to support local and regional economies and lifestyles.

Environmental Justice (Executive Order 12898)

Executive Order 12898 (59 Fed. Register 7629, 1994) directs Federal agencies to identify and address any disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.

I have determined from the analysis disclosed in the FEIS that the Forest Plan as amended complies with Executive Order 12898 (FEIS, Chapter 3, Resource Commitments).

Endangered Species Act (ESA)

The ESA creates an affirmative obligation "...that all Federal departments and agencies shall seek to conserve endangered and threatened (and proposed) species" of fish, wildlife, and plants. This obligation is further clarified in a National Interagency Memorandum of Agreement (dated August 30, 2000) which states our shared mission to "... enhance conservation of imperiled species while delivering appropriate goods and services provided by the lands and resources."

Based on the biological assessments (FEIS, Appendix 6), informal consultation with U.S. Department of Interior, Fish and Wildlife Service and U.S. Department of Commerce, National Marine Fisheries Service, I have determined that this decision does not change the determinations made for the Forest Plan in 2003. Therefore, I have determined that there is no need to re-initiate consultation on the Forest Plan in light of changes proposed in this amendment.

Migratory Bird Treaty Act/Executive Order 13186

The Forest Plan as amended is a programmatic action and as such does not authorize any site-specific activity. It includes direction to improve structure, composition, and pattern of vegetation cover types to move closer to the historic range of variation (HRV). Potential impacts to habitat from proposed vegetation treatments will be analyzed at the site-specific project level. I have determined that management direction and monitoring included in the Forest Plan as amended complies with the Migratory Bird Treaty Act and Executive Order 13186.

Clean Air Act

As noted in Chapter 3 and described in Appendix 5 of the FEIS, the Forest Plan as amended would result in no measurable increase in the effects to air quality and smoke management which were disclosed in the 2003 Forest Plan EIS. The ROD for the 2003 Forest Plan concludes that Forest-wide direction in Chapter III of the 2003 Forest Plan will ensure that air quality complies with the Clean Air Act and related state requirements. Because the 2003 Forest Plan complies with the Clean Air Act, and the Forest Plan as amended results in no measurable increase in air quality effects, the Forest Plan as amended complies with the Clean Air Act.

National Historic Preservation Act (NHPA)

Chapter 3 and Appendix 5 of the FEIS disclosed that the Forest Plan as amended would result in no change in the effects to cultural resources disclosed in the 2003 Forest Plan FEIS. Because cultural resource management is explicitly defined by law, regulation and policy, and these same laws regulations and policies will be in effect under the Forest Plan as amended, my decision, like the 2003 Forest Plan decision, complies with the NHPA.

Clean Water Act

The objective of the Clean Water Act is to "...restore and maintain the chemical, physical, and biological integrity of the nation's waters." One of the Act's goals is to "...provide for the protection and propagation of fish, shellfish, and wildlife" and provide for "...recreation in and on the water" (33 U.S.C. 466 et seq., Title I, Section 101).

Chapter 2 and Appendix 5 of the FEIS discuss changes in MPC allocation and management direction under the amended Forest Plan and conclude that the amendments do not result in any measurable change in effects to soil, water, riparian and aquatic resources from those described in the 2003 FEIS for the Forest Plan. Because the 2003 Forest Plan decision complies with the Clean Water Act, and my decision will result in no change in effects to the applicable resources, the Forest Plan as amended satisfies the Clean Water Act.

Energy Requirement and Conservation Potential

The Forest Plan is a programmatic action and does not authorize any site-specific activity. Because the scope of the proposed action is limited both in terms of geographic area and extent of activities, the FEIS (Chapter 3, Resource Commitments) explains that although energy consumption is anticipated to vary slightly by alternative, there are several opportunities under all alternatives to provide for energy conservation or conversion to renewable fuels. My decision takes advantage of these opportunities during project implementation, such as carpooling or combining trips, to the extent practicable.

Invasive Species (Executive Order 13112)

Executive Order 13112 on Invasive Species directs that Federal agencies should not authorize any activities that would increase the spread of invasive species. The forest plan and the proposed amendment do not authorize any activities, but the Plan includes direction designed to limit the spread of invasive species (Forest Plan, Chapter III, Non-native Plants). The Forest Plan requires that integrated pest management methods be used to contain and control the spread of invasive species, following the R-4 Forest Service Handbook (FSH 2080). The Forest Plan as amended does not alter any management direction designed to address invasive species, and no change from the effects of invasive species disclosed in the 2003 Forest Plan is anticipated. In addition, the 2003 Forest Plan complies with E.O. 13112. For these reasons, the Forest Plan as amended complies with E.O. 13112.

Prime Farmland, Rangeland and Forest Land

The Forest Plan complies with the Secretary of Agriculture's Memorandum 1827, which requires conservation of prime farmland, rangeland, and forestland (FEIS, Chapter 3, Resource Commitments). This Forest Plan manages the Forest with sensitivity towards adjacent private and public land uses, and it includes guidance to cooperate with adjacent and surrounding landowners when conducting management activities on the Forest to minimize impacts on their management.

Equal Employment Opportunity, Effects on Minorities, Women

The Forest Plan will not have a disproportionate impact on employment opportunities for any minority or low-income communities (FEIS, Chapter 3, Resource Commitments). I have determined that the Forest Plan, as amended, will not differentially affect the civil rights of any citizens, including women and minorities.

Wetlands and Floodplains

The Forest Plan is a programmatic action and does not authorize any site-specific activity. The Forest Plan contains direction for improvements in riparian areas and ensures compliance with State and Federal water quality standards. The Forest Plan describes desired conditions, sets goals, and establishes Riparian Conservation Areas specifically to maintain or improve conditions in these areas (Forest Plan, Chapter III, Resource Commitments, and Soil, Water, Riparian and Aquatic Resources). The 2003 Forest Plan complies with Executive Order 11988 (Floodplain Management) and 11990 (Protection of Wetlands). The Forest Plan as amended will result in no change in effects to these resources over what was anticipated under the 2003 Forest Plan. Therefore, I have determined that the Forest Plan, as amended complies with all relevant law and executive orders regarding wetlands and floodplains.

Facilitation of Hunting Heritage and Western Conservation

Executive Order 12443 directs appropriate Federal agencies to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat. Because my decision is designed to restore vegetation diversity to support wildlife habitat and other resource needs, my decision complies with Executive Order 12443.

Other Policies

The existing body of national direction for managing National Forests remains in effect. Standards and guidelines included in the Forest Plan provide direction specific to the Boise NF. The Forest Plan as amended contributes to the Forest Service Strategic Plan for FY 2007-2012 (GPRA, 2007).

Part 6 Conclusion

Implementation

Implementation of this ROD may occur after the 7th calendar day following publication of the legal notice of decision in the newspaper of record, *The Idaho Statesman*[6]. Implementation of the Forest Plan, as amended, will be accomplished and tracked through the objectives detailed in Chapter III of the Forest Plan. These objectives will be used to help design the Forest's annual program of work. They will also be used to formulate out year budget requests.

Decisions on site-specific projects are not made in the Forest Plan as amended. Those decisions will be made after site-specific analysis and appropriate documentation in compliance with NEPA.

Transition to the Forest Plan as Amended

Forest Plan direction, as amended, will apply to all projects that have decisions made on or after the implementation date of this ROD.

There are many management actions that have decisions made before the implementation date of this ROD. The projected effects of these actions are part of the baseline analysis documented in the FEIS and Biological Assessment.

The NFMA requires that "...permits, contracts, and other instruments for use and occupancy" of National Forest System lands be "consistent" with the Forest Plan (16 U.S.C. 1604(i)). In the context of a Forest Plan, NFMA specifically conditions this requirement in three ways:

- These documents must be revised only "when necessary;"
- These documents must be revised as "soon as practicable;"
- Any revisions are "subject to valid existing rights."

I have decided not to modify any existing timber sale contracts solely due to the Forest Plan as amended. These contracts will be executed according to their terms and these effects were included in the baseline conditions that informed disclosures in this FEIS. Existing timber sale contracts will, in most cases, have been completed within three years. I will determine whether to modify decisions authorizing timber sales not currently under contract on a case by case basis, documenting my conclusions in a consistency review that will be included within the respective project record.

Other use and occupancy agreements are substantially longer than timber sale contracts. For example, grazing permits are generally issued for a 10-year term. Because this Forest Plan amendment specifically addresses forested vegetation, rather than rangeland vegetation, no action is needed to bring Term Grazing Permits into compliance with this phase of the Forest Plan amendment process.

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[6] The implementation timeframe is found in Section 10 of the optional appeal procedures available during the planning rule transition period pursuant to 36 CFR 219.35(b) provisions of the 2000 planning rule (65 FR 67514) and 2001 interpretative rule (66 FR 1864).

I will review other classes of "use and occupancy" agreements to determine whether or not they should be modified to comply with the Forest Plan as amended. In addition, other recent project decisions (other than timber sales) that have not yet been implemented will be reviewed and adjusted, if necessary, to meet the direction found in the Forest Plan amendment. Similar to what will be done for timber sale decisions, I will determine whether to modify these decisions authorizing use on a case by case basis, documenting my conclusions in a consistency review and/or letter to the project file, as needed.

The decisionmaker (i.e., I or respective District Ranger) has the discretion, on a case-by-case basis, as to how and when to modify pre-existing authorizations to bring them into compliance with the standards and guidelines specified in the Forest Plan as amended. I find that the statutory criteria of "when necessary," "as soon as practicable" and "subject to valid existing rights" useful in exercising that discretion.

Administrative Appeals of My Decision

This decision is subject to the optional appeal procedures available during the planning rule transition period pursuant to 36 CFR 219.35(b) provisions of the 2000 planning rule (65 FR 67514) and 2001 interpretative rule (66 FR 1864). Consistent with Section 8(a)(2) of these procedures, a written notice of appeal must be filed with the Intermountain Regional Forester within 45 days of the date that the legal notice of this decision appears in *The Idaho Statesman* newspaper. Appeals must be sent to:

Regional Forester of the Intermountain Region
USDA - Forest Service
324 25th Street
Ogden, UT 84401

A copy of the appeal must simultaneously be sent to the deciding officer:

Forest Supervisor, Boise National Forest
USDA - Forest Service
1249 South Vinnell Way, Suite 200
Boise, Idaho 83709

Any notice of appeal must be fully consistent with Section 9 of the optional appeal procedures available during the planning rule transition period pursuant to 36 CFR 219.35(b) provisions of the 2000 planning rule (65 FR 67514) and 2001 interpretative rule (66 FR 1864). At a minimum, a written notice of appeal filed with the reviewing officer must:

1. State that the document is a notice of appeal filed pursuant to 36 CFR 219.14(b)(2);
2. List the name, address, and telephone number of the appellant;
3. Identify the decision about which the requestor objects;
4. Identify the document in which the decision is contained by title and subject, date of the decision, and name and title of the deciding officer;
5. Identify specifically that portion of the decision or decision document to which the requester objects;
6. State the reasons for objecting, including issues of fact, law, regulation, or policy, and, if applicable, specifically how the decision violates law, regulation, or policy; and
7. Identify the specific change(s) in the decision that the appellant seeks.

[54 FR 3357, Jan. 23, 1989, as amended at 55 FR 7895, Mar. 6, 1990; 56 FR 4918, Feb. 6, 1991]

Contacts

More information on the FEIS and the Forest Plan as amended can be obtained by contacting:

Randall Hayman
Forest Planner
Boise National Forest
208-373-4157

David Olson
Public Affairs Officer
Boise National Forest
208-373-4105

Cecilia R. Seesholtz

CECILIA R. SEESHOLTZ
Forest Supervisor, Boise National Forest

July 1, 2010
Date